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Notice of fraud

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ILS Services, Inc.

Austin Centre #1860

701 Brazos, Suite 500

Austin, Texas 78701

(512) 334-6144/329-646

PRISON LINE: (512) 899-3300

Fax: (512) 402-8425

Email: ilsservicesinc@yahoo.com

August 5, 2008

AUSTIN, TEXAS

ILS ANNOUNCES MAJOR BREAKTHROUGH ON TITLE 18

ILS Services, Inc., a leading legal research firm headquartered in Austin, Texas, announced that it has been advised that the first person has been released challenging the validity of Title 18.

ILS was advised that a win was issued in West Virginia for one prisoner.

Further research by ILS has also uncovered another significant error in the criminal code. The federal Title 18 criminal code was codified in 1909, again in 1940, and again in 1948. In 1909 and 1940 the jurisdictional section for federal courts only authorized prosecution under Title 18 crimes, not under drug crimes or IRS crimes. The 1940 statute, 18 USC § 546, we never repealed or amended. That statute, which is still valid, only authorized prosecution for 1909 Title 18 crimes, nothing for Title 21 or Title 26. Furthermore, under the Fair Warning Doctrine, to prosecute someone under a prior statute, a person must be given warning under that statute. Therefore, no possible prosecution exists under Title 21, Title 26, or under any Title 18 charge other than those listed in the 1909 act, but prior notice is required.

ILS intends to reopen cases by raising the additional error, which would deprive the court of jurisdiction over any criminal case.

Office of the Clerk
U.S. House of Representatives
Washington, DC 20515–6601

September 11, 2006

Thank you for contacting the Office of the Clerk.

After conducting a thorough examination of the journals, I found no entry in the journal of the House of any May 12, 1947 vote on the H.R. 3190 bill, although pages 343-344 of the Journal of the House of Representatives from the 1st Session of the 80th Congress indicates that the bill was amended, purportedly passed, and transmitted to the Senate for concurrence. The Senate took no action on the H.R. 3190 bill prior to the December 19, 1947 sine die adjournment.

Page 5049 of the Congressional Record, 80th Congress, 1st Session indicates 44 Members voting 38 to 6 to amend H.R. 3190 on May 12, 1947. Therefore by counting the total yea and nay vote a quorum was not present.

According to House Rules, when less than a majority of a quorum votes to pass a bill, the journal must show the names of Members present but not voting. I found no record of any names for the May 12, 1947 vote. I hope this information has answered your questions.

Sincerely Yours,

Karen L. Haas

Karen L. Haas
Clerk, U.S. House of Representatives

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Extra

JUDICIAL NOTICE & AFFIDAVIT

Tracy Dee Ann Corona
c/o Rabbi Shawn Talbot Rice – Private attorney
PO Box 700#81
Ash Ford, Arizona state [86320]

UNITED STATES DISTRICT COURT
SOTHERN DISTRICT SAN DIEGO

UNITED STATES	)	
	)	
Plaintiff,	)	
	)	CASE NO. 04 CR 1298 (BEN)-02
-vs-	)	JUDICIAL NOTICE
	)	
	)	PURSUANT TO: 48 CFR
Ch. 1.53.228 TRACY D CORONA,	)	For DEPOSIT Opt. Forms 90,91
	)	& SF 24,25,25A,28 and sundry other forms
Defendant(s).	)	

"JUDICIAL NOTICE"

Comes now, Tracy Dee Ann Corona, in proper person, and hereby seeks to place upon the record in this Court his **Judicial Notice** in the above called/styled/titled civil action for reasons set out herein below, and shows the Court as follows; **ALL PARTIES ARE HEREBY NOTICED:**
Alleged Defendants in the above called/styled/titled civil action File # 04 CR 1298 (BEN)-02, bring this **Judicial Notice** to cause the court **to take Judicial Notice** of the following:

1. File the ORIGINAL copy of this "Judicial Notice", in the evidence file and present to Judge Roger T Benitez; et al for execution.

FOR DEPOSIT[1] PURSUANT TO 48 Civil Federal Rules[2]

1 Black's law dictionary 8th edition page 471 "Deposit" 3.5 under civil law [Cases: Bailment 2. C.J.S. Bailments §§ 5, 14, 16-18]. also [1. C.J.S. Bailment §§ 1. C.J.S. Bailment §§ 2-13, 15, 19, 22-24, 31.]

2 Reference: http://www.access.gpo.gov/cgi-bin/cfrassemble.cgi?title=200348

#17

48 CFR Ch. 1 53.228 Bonds and insurance

The following standard forms are prescribed for use for bond and insurance requirements, as specified in part 28:(a) *SF 24 (Rev. 10/98) Bid Bond.* (See 28.106–1.) SF 24 is authorized for local reproduction and a copy is furnished for this purpose in Part 53 of the loose leaf edition of the FAR. (b) *SF 25 (Rev. 5/96) Performance Bond.* (See 28.106–1(b).) SF 25 is authorized for local reproduction and a copy is furnished for this purpose in Part 53 of the loose leaf edition of the FAR. (c) *SF 25–A (Rev. 10/98) Payment Bond.* (See 28.106–1(c).) SF 25–A is authorized for local reproduction and a copy is furnished for this purpose in Part 53 of the loose leaf edition of the FAR. (d) *SF 25–B (Rev. 10/83), Continuation Sheet (For Standard Forms 24, 25, and 25–A).* (See 28.106–1(d).) (e) *SF 28 (Rev. 6/03) Affidavit of Individual Surety.* (See 28.106–1(e) and Part 53 of the loose leaf edition of the FAR.(o) *OF 90 (Rev. 1/90), Release of Lien on Real Property.* (See 28.106–1(o) and28.203–5(a).) OF 90 is authorized for local reproduction and a copy is furnished for this purpose in part 53 of the loose leaf edition of the FAR.(p) *OF 91 (Rev. 1/90), Release of Personal Property from Escrow.* (See 28.106–1(p) and 28.203–5(a).) OF 91 is authorized for local reproduction and a copy is furnished for this purpose in part 53 of the loose leaf edition of the FAR. [48 FR 42637, Sept. 19, 1983, as amended at 53 FR 43395, Oct. 26, 1988; 54 FR 48998, Nov. 28,1989; 55 FR 25534, June 21, 1990; 55 FR 52801,Dec. 21, 1990; 59 FR 67061, Dec. 28, 1994; 61 FR 39214, July 26, 1996; 63 FR 58603, Oct. 30, 1998;63 FR 70293, Dec. 18, 1998; 64 FR 10549, Mar. 4, 1999; 68 FR 28088, May 22, 2003]

1. Judge Roger T Benitez find attached herein forms for TRACY D CORONA:

1. Optional form 90 (Release of Lien on Real Property),
2. Optional form 91 (Release of Personal Property),
3. Standard form 28 (Affidavit of Individual Surety),
4. Standard form 24 (Bid Bond),
5. Standard form 25 (Performance Bond),
6. Standard form 25A (Payment Bond)
7. State of California Bond # 541-06-3892

for "Deposit" and the closure, for the record and, for the release of all personal and real property and, all bonds of performance ***nunc pro tunc*** *to 2003* related to the aforementioned surety

Dated this 27th day of May 2009

By: Tracy Dee Ann Corona

Tracy Dee Ann Corona, Authorized Representative

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CERTIFICATE OF SERVICE

Documents served:
* Judicial Notice, and affidavit
Opt. Forms 90, 91 & SF 24,25,25A, 28 – and all other sundry documents Case # 04 CR 1298 (BEN)-02

NOTICE TO THE AGENT IS NOTICE TO THE PRINCIPAL - NOTICE TO THE PRINCIPAL IS NOTICE TO THE AGENT

Prior to 05/15/09, I served the above mentioned documents with attachments as noted by placing a true and correct copy thereof enclosed in a sealed envelope with postage fully prepaid for delivery by the U.S. Postal Service, addressed to the following recipients as follows:

Roger T. Benitez, d/b/a Judge et al:

W. Samual Hamrick, Jr., d/b/a, Clerk of the Court;

ALL UNITED STATES ATTORNEYS AND OFFICERS INVOLVED 1....1000

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

880 Front Street

San Diego, CA 92101

Executed this 27th day of the 5th month, in the Year Of Our Lord Two Thousand and Nine and placed in the United States mail.

By: _____
Tracy Dee Ann Corona, Authorized Representative

State of California) **Acknowledgment**
) Sworn and Subscribed:
County of San Diego) For verification purposes only

SUBSCRIBED AND SWORN TO before me by Tracy Dee Ann Corona, known to me or proven to me to be the real man signing this document this 27th day of May 2009
WITNESS my hand and official seal.

_____ _____ (Seal)
NOTARY PUBLIC DATE _____

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THE NATURAL PHYSICAL BEING

Rundle v. Del. & Raritan Canal Co., 55 U.S. 80, 98, 14 L. Ed. 335 (1852) (Thus, Mr. Justice Blackstone, in the 18th chapter of his 1st volume, holds this language: 'We have hitherto considered persons in their natural capacities, and have treated of their rights and duties. But, as all personal rights die with the person; and, as the necessary forms of investing a series of individuals, one after another, with the same identical rights, would be inconvenient, if not impracticable; it has been found necessary, when it is for the advantage of the public to have any particular rights kept on foot and continued, to constitute artificial persons, who maintain a perpetual succession, and enjoy a kind of legal immortality. **These artificial persons are called corporations.**' This same distinguished writer, in the first book of his Commentaries, p. 123, says, 'The rights of persons are such as concern and are annexed to the persons of men, and when the person to whom they are due is regarded, are called simply **rights**; but when we consider the person from whom they are due, they are then denominated, **duties**,' And again, cap. 10th of the same book, treating of the PEOPLE, he says, '**The people are either aliens, that is, born out of the dominions or allegiance of the crown; or natives, that is, such as are born within it.**' Under our own systems of polity, the term, citizen, implying the same or similar relations to the government and to society which appertain to the term, subject, in England, is familiar to all. **Under either system, the term used is designed to apply to man in his individual character, and to his natural capacities; to a being, or agent, possessing social and political rights, and sustaining, social, political, and moral obligations.** It is in this acceptation only, therefore, that the term, citizen, in the article of the Constitution, can be received and understood. When distributing the judicial power, that article extends it to controversies between citizens of different States. **This must mean the natural physical beings composing those separate communities, and can, by no violence of interpretation, be made to signify artificial, incorporeal, theoretical, and invisible creations.** A corporation, therefore, being not a natural person but a mere creature of the mind, invisible and intangible, cannot be a citizen of a State, or of the United States, and cannot fall within the terms or the power of the above-mentioned article, **and can therefore neither plead nor be impleaded in the courts of the United States.**); http://supreme.justia.com/us/55/80/case.html

NOTE: If you can only go over the color coded, underlined, and bolded lines below, it will inform you that A CORPORATION CANNOT SUE, NOR OTHERWISE CONTEND WITH, A LIVING, NATURAL MAN!!

"An attorney for the plaintiff **cannot admit evidence into the court**. He is either an attorney or a witness," and, "Statements of counsel in brief or in argument **are not facts** before the court." (*Trinsey v. Pagliaro* D.C.Pa. 1964, 229 F. Supp. 647)

This applies both with Federal Rules of Evidence and State Rules of Evidence.... there must be a competent first hand witness (a body). There has to be a real person with an **INJURY** making the complaint and bringing evidence before the court. **Corporations are paper and can't testify**. Therefore, Claimants affidavits are presented under "Special Visitation" with Affiant willing to testify as Competent Fact Witness.

- my Indictments are hearsay

#1/8

U.S. Supreme Court

RUNDLE v. DELAWARE & RARITAN CANAL CO., 55 U.S. 80 (1852)

55 U.S. 80 (How.)

GEORGE RUNDLE AND WILLIAM GRIFFITHS, TRUSTEES OF THE ESTATE OF JOHN SAVAGE, DECEASED, PLAINTIFFS IN ERROR,

v.

THE DELAWARE AND RARITAN CANAL COMPANY.

December Term, 1852

THIS case was brought up, by writ of error, from the Circuit Court of the United States for the District of New Jersey.

The facts in the case are set forth in the opinion of the court.

It was argued in print by Mr. Ashead and Mr. Vroom for the plaintiffs in error, and by Mr. John M. Read orally, for the defendants in error. There was also a printed argument upon the same side, submitted by himself and Mr. Green.

The arguments, upon both sides, contained historical accounts of the legislation of Pennsylvania and New Jersey on the subject of the River Delaware, and the various compacts and negotiations between them. It is impossible, in the report of a law case, to give an explanation of these transactions, commencing before the Revolution. Those who may have occasion to investigate the matter minutely, would do well to obtain from the counsel their respective arguments. All that will be attempted, Page 55 U.S. 80, 81 in this report, will be to give an account of the points which were made. The declaration charged the Canal Company with having, 1. Erected a dam in the River Delaware, above the works of the plaintiffs, and, by means of it, obstructed and penned up the waters of the river. 2. With digging a canal, and diverting the waters of the river into it, and so leading them into the State of New Jersey. 3. With cutting off the streams and brooks which theretofore had been tributary to the said River Delaware, and preventing them from flowing into it. 4. With using the waters, taken from the river, to supply the said canal, and to create a water power, from which they supply various mills, manufactories, and other establishments, with water, for the sake of gain. The judgment of the court upon the demurrer being that the plaintiffs had no right of action, the counsel for the plaintiffs in this court assumed the following as the grounds upon which the court below founded its decision, which grounds they severally contested. The points ruled in the court below, and of which the plaintiffs complain as being erroneous, are: 1. That the authority under which the dam of Adam Hoops has been kept and maintained in the River Delaware, since the year 1771, was not a grant, but a license, revokable at the pleasure of New Jersey alone, and, at best, impunity for a nuisance. 2. That the plaintiffs, who claim as the assignees of Adam Hoops, for the diversion of the water from their mills, cannot recover, because their works are situated in the State of Pennsylvania, and not in New Jersey, and that the claim for damages must be regulated by the rule established by the Pennsylvania courts, which rule is opposed to the one recognized in the State of New Jersey, and applied by the Supreme Court to these defendants in error in a similar case. 3. That it is

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not competent for the plaintiffs to question the authority of New Jersey, to take the waters of the Delaware for her public improvements, without the consent of Pennsylvania. First Point. With respect to the first point, the counsel for the plaintiffs in error contended, 1. That the said acts were, in form, substance, and legal effect, a grant, and not a license. They then commented on the acts, and cited the following authorities: An authority given, will operate by way of license or grant, according to its nature and the intention of the parties. Thus, in 15 Viner's Ab. Tit. Lease, (N.) Pl. 1, it is said, 'That if a Page 55 U.S. 80, 82 man license me to enter into his land, and to occupy it for a year, half year, or such like, this is a lease and shall be so pleaded.' A confirmation of a title by act of Congress, (which was the least effect to be given to the acts of 1771 and 1804,) not only renders it a legal title, but furnishes higher evidence of that fact than a patent, inasmuch as it is a direct, whereas a patent is only the act of its ministerial officer. Grignon's Lessee v. Astor, 2 Howard, 319; Sims v. Irvine, 3 Dallas, 425; Patton v. Easton, 1 Wheaton, 476; Strother v. Lucas, 12 Peters, 410. In this latter case, at page 454, it is said by Judge Baldwin, delivering the opinion of the court, 'that a grant may be made by a law, as well as a patent pursuant to a law, is undoubted, 6 Cr. 128; and a confirmation by a law, is as fully, to all intents and purposes, a grant, as if it contained in terms a grant de novo.'
2. If the acts of 1771 are to be regarded as a technical license, such license is not revocable by the parties granting it, or either of them, it being a license not executory, but executed, on the faith of which large expenditures had been incurred, previous to the alleged revocation by the State of New Jersey, in 1830, by the passage of the act chartering the Delaware and Raritan Canal.

The authorities are clear and conclusive, that a license by one man to another, to make use of his land for purposes requiring expenditures of money, and contemplating permanence, is, in effect a grant, and is not revocable in its nature. Thus, in Rerick v. Kern, 14 S. & Rawle, 267, it is said that, 'permission to use water for a mill, or or any thing else that was viewed by the parties as a permanent erection, will be of unlimited duration and survive the erection itself, if it should be destroyed, or fall into a state of dilapidation.' Although a license executory may be revoked, yet a license executed cannot be. Winter v. Brockwell, 8 East, 308. Lord Ellenborough says, in this case, 'that he thought it unreasonable, that, after a party had been led to incur expense, in consequence of having obtained a license from another to do an act, and that the license had been entered upon, that either should be permitted to recall his license.' In Taylor v. Waters, 7 Taunton, 374, it is decided that a license granted on consideration cannot be revoked Liggins v. Inge, 7 Bingham, 682, (20 English Com. Law. 287,) decides that where the plaintiff's father, by oral license, permitted the defendant to lower the bank of a river, and to make a weir above the plaintiff's mill, whereby less water than before flowed to the plaintiff's mill, the plaintiff could not sue the defendants for continuing the weir; the court holding that the license in that case, being executed, was not countermandable

Page 55 U.S. 80, 83 by the party who gave it. So, in Wood v. Manly, 11 Adol. & Ellis, 34, (39 Eng. Com. Law 19,) it was held that a license to enter upon land to take away property purchased thereon, was part of the consideration of the purchase, and could not be revoked. The case of Webb v. Paternoster, (Palmer, 151,) asserts the general principle, that an executed license is not countermandable. Rerick v. Kern, (14 S. &

Rawle, 267,) was the case of a license to use a water power, given without any consideration, and held not revocable. The court said the license 'was a direct encouragement to spend money,' and 'it would be against all conscience to annual it,' and further, that 'the execution of it would be specifically enjoined; and that the party to whom the license was granted would not be turned round to his remedy for damages.' 'How very inadequate it would be, in a case like this,' says the court, 'is perceived by considering that a license, which has been followed by the expenditure of ten thousand dollars, as a necessary qualification for the enjoyment of it, may be revoked by an obstinate man who is not worth as many cents.' Again, it is remarked- 'having had in view an unlimited enjoyment of the privilege, the grantee has purchased, by the expenditure of money, a right indefinite in point of duration.'

3. If the joint acts of 1771 and 1804, are ever to be regarded as a revocable license, and not as a grant, such license has never been actually revoked by both or either of the State legislatures. The act of 1830, by which the Delaware and Raritan Canal Company was chartered by the State of New Jersey, contains no such provision, and a revocation by implication will not be inferred where so great a wrong would be perpetrated on an individual.

4. Admitting that the State of New Jersey, by the act chartering the Delaware and Raritan Canal Company, intended to revoke the grant or executed license made to Adam Hoops, and those claiming under him, it was incompetent for that State to do so.

If the joint act of the legislatures of the two States be a grant, or, what is the same in legal effect, an executed license, then that grant or executed license is a contract within the meaning of the constitution, and cannot be impaired by subsequent legislation. Fletcher v. Peck, 6 Cranch, 87; Terret v. Taylor, 9 Cranch, 43. Where a legislature has once made a grant, it is as much estopped by it as is an individual. Such a grant amounts to an extinguishment of the right of the grantor, and a contract not to reassert that right. Id. It is a principle applicable to every grant that it cannot effect pre existing titles. Although a grant is conclusive on its face, and cannot be controverted, Page 55 U.S. 80, 84 yet if the thing granted is not in the grantor, no right passes to the grantee. City of New Orleans v. Armas, 9 Peters, 224; New Orleans v. United States, 10 Peters, 662; Lindsey Lessee of Miller, 6 Peters, 666.

Again: If the franchise and privileges, secured to the plaintiffs by the joint acts of 1771, are the subject of legislative revocation, the revocation must certainly be as extensive as the license accorded. It must, to be effectual, be the joint act of both legislatures, and not the separate act of either. Pennsylvania was no party to the charter granted by New Jersey to the defendants. Indeed, she refused to become such, on the terms proposed by her. In many respects, this case resembles that of the Chesapeake and Ohio Canal Company v. The Baltimore and Ohio Railroad Company, 4 Gill & Johns. 1. This was the case of a contest between the plaintiffs, who claimed under the joint acts of the States of Maryland and Virginia and the United States, and the defendants, who claimed part of the same franchise under a separate act of the State of Maryland. It was held, that neither Maryland nor Virginia, without the consent of the other, could impair a charter granted by their

previous joint legislation, nor could they do so even jointly.

Second Point. The second proposition ruled by the learned Judge below, was, that the plaintiffs, who claim as the assignees of Adam Hoops, for the diversion of the water from their mills, cannot recover, because their works are situated in the State of Pennsylvania, and not in New Jersey, and that the claim for damages must be regulated by the Pennsylvania courts, which rule is opposed to the one recognized in the State of New Jersey, and applied by the Supreme Court to these defendants in error in a similar case.

1. The accuracy of this position is denied; because the action, having been instituted in the Circuit Court of New Jersey, against a New Jersey corporation, to recover damages consequent upon the erection of a public work exclusively within her own soil, the laws of New Jersey and the decisions of its Supreme Court, must furnish the rule of decision as to the extent of the liability of this corporation for the act complained of, and not the laws and decisions of Pennsylvania, as to the liability of Pennsylvania corporations.

2. If the plaintiffs' claim for damages is to be regulated by the decisions in Pennsylvania, there is no case of binding authority in the adjudications of Pennsylvania, which rules this point against them; the doctrine not going to the extent supposed by the learned Judge.
Third Point. The third point ruled by the learned Judge below, is, 'that it is not competent for the plaintiffs to question Page 55 U.S. 80, 85 the authority of New Jersey to take the waters of the Delaware River for her public improvements, without the consent of Pennsylvania, the channel and waters of this river being vested in the two States, as tenants in common, and no one can question the authority of either to divert the water, but the other.'

(These points were examined and contested.)

It has been before mentioned, that the briefs of the counsel contained references to numerous historical documents. That filed on the part of the defendants in error was very elaborate, and Mr. Read referred to them in his oral argument. The summing up was as follows:
We have thus presented a chronological detail of the history of the Delaware, and of the legislative negotiation, and executive action of both States in relation to the river, its navigation, and the various uses of its water for canal or mill purposes; and we think it can leave no doubt, in any dispassionate mind, that the plaintiffs in error have no title whatever to claim damages from the Delaware and Raritan Canal Company, for taking water from the river for the use of its canal, under a direct and positive authority granted by the legislature of New Jersey.

Adam Hoops's dam, uniting the main land with Bird's Island, and extending from the head of it into the main channel of the river, and perhaps one other dam on the Pennsylvania side, were erected by the owners of the fast land, prior to 1771, without any authority whatever, either from the crown, or the provincial government. Now, these erections being in the river, and beyond the low-water mark, whether the tide ebbed and flowed there or not, or whether the river was then vested in the crown or the proprietaries,

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were, by the unquestioned law of Pennsylvania, nuisances, and could have been abated by individuals, and certainly by the authorized agents of the government.

The law of Pennsylvania is well stated by Mr. Justice Grier, in this case. 'But the law of Pennsylvania,' says the learned Judge, 'by which the title and rights of the plaintiffs must be tested, differs materially from that of England and most of the other States of the Union. As regards her large fresh-water rivers, she has adopted the principles of the civil law, in preference to that of England.' Rundle v. Delaware and Raritan Canal Company, Wallace, Jr. 297.

In the case of Carson v. Blazer, the Supreme Court of that State, decided that the large rivers, such as the Susquehanna and Delaware, were never deemed subject to the common law of England applicable to fresh- water streams; but they are to be treated as 'navigable rivers;' that the grants of William Penn, the proprietary, never extended beyond the margin of the Page 55 U.S. 80, 86 river, which belonged to the public; and that the riparian owners have, therefore, no exclusive right to the soil or water of such river, ad filum medium aquae.

These principles are fully sustained by all the Pennsylvania cases down to the present time, which are cited below, and which also exemplify the doctrine that mere tolerations or licenses on navigable streams, are always in the power of the sovereign, and can be withdrawn, at any moment, without any violation of the constitutional provision.

These nuisances were in existence at the passage of the act of 9th March, 1771, and, under its general terms, the commissioners named in it, would have been obliged to abate them at once, as artificial obstructions to the navigation, except for the proviso in the 7th section, which prohibits the commissioners, therein appointed, from removing or altering the same. The same observation applies to the New Jersey act of the same year.

> 'But,' to use again the language of the learned Judge below, 'we can discover nothing in the nature of a grant in the words of this proviso. It amounts to no more than the present toleration of a nuisance, previously erected, or, at most, to a license revocable at pleasure. The doctrine of the cases which we have just quoted, applies to it with full force and conclusive effect; nor can the plaintiff claim by prescription against the public for more than the act confers on him, which, at best, is but an impunity for a nuisance.' 2 Binn. 475; Brown v. Commonwealth, 3 S. & R. 273; Shrunk v. Schuylkill Navigation Co. 14 S. & R. 71; Bacon v. Arthur, 4 Watts, 437; Couvert v. O'Connor, 8 Watts, 470; Ball v. Slack, 2 Wharton, 508, 538; Monongahela Nav. Co. v. Coons, 6 W. & S. 101; Susquehanna Canal Co. v. Wright, 9 Id. 9; Commonwealth v. Church, 1 Barr, 105; Fisher v. Carter, 1 Wallace, Jr. 69; Mayor v. Commissioners of Spring Gardens, 7 Barr, 348; Reading v. Commonwealth, 1 Jones, 201; M'Kinney v. Monongahela Nav. Co. 2 Harris, 66; Henry
> v. Pittsburg, 8 W. & S. 85; O'Connor v. Pittsburg, Sept. 1851, MS.; Wallace, Jr. 300, 301.

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But if there be any doubt on this subject, it is removed by a reference to the agreement of 26th April, 1783, between the two sovereign States of New Jersey and Pennsylvania, then recognizing no common superior, and not affected by any provision afterwards contained in the Constitution of the United States.
The acts of 1771 were temporary in their character, and all operations under them ceased from the commencement of the Revolutionary War. The compact of 1783, which is perpetual in its operation, declared 'the River Delaware, from the station point, or north-west corner of New Jersey northerly, to the place Page 55 U.S. 80, 87 upon the said river where the circular boundary of the State of Delaware toucheth upon the same, in the whole length and breadth thereof, is, and shall continue to be and remain a common highway, equally free and open for the use, benefit, and advantage of the said contracting parties.'
Such language admits of no dispute. It is a complete and total revocation of all license or toleration, or grant of any kind to any dams or works erected on the Pennsylvania or Jersey side of the river, which were nuisances ab origine.

It cannot be supposed that two or more original nuisances were saved out of the general and comprehensive terms of the compact, and that they are to subsist to all future time as obstacles to any use of the river, by either or both States, which may in any manner affect the works thus placed on the soil and in the waters of the public. This view is supported by the unbroken legislation of Pennsylvania particularly-by the ground taken by her commissioners in 1817, and virtually recognized by those of New Jersey, and by the subsequent agreements of 1829 and 1834, entered into by the commissioners of both States, which treated these works as nuisances, and as not to be regarded in any disposition to be made of the waters of the river, whether by the erection of dams, or for the supply of canal or water power.

They were in fact treated as if they had no legal existence. Can such a title give a claim for damages upon a company incorporated by a sovereign State of the confederacy?
It is also clearly 'not competent for the plaintiffs to question the authority of New Jersey to take the waters of the Delaware for her public improvements, without the consent of Pennsylvania. The cannel and waters of this river are vested in the two States, as tenants in common, as we have already seen; and no one can question the authority of either to divert its waters but the other. Pennsylvania was the first to seize on a portion of their joint property, for her separate use, and is estopped by her own act from complaint against New Jersey, who has but followed her example. Besides this, mutual consent may be presumed from mutual acquiescence. At all events, the plaintiff, who is shown to have no title to the river, or any part of it, and whose toleration or license could at best only protect him from a prosecution, is not in a situation to dispute the rights of either, or claim compensation for a diversion of its waters, for the purpose of the public improvements of either of its sovereign owners.'
Mr. Justice GRIER delivered the opinion of the court.

The plaintiffs in error, who were plaintiffs below, are owners Page 55 U.S. 80, 88 of certain mills in Pennsylvania, opposite to the city of Trenton, in New Jersey. These mills

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are supplied with water from the Delaware River, by means of a dam extending from the Pennsylvania shore to an island lying near and parallel to it, and extending along the rapids to the head of tide water.

The plaintiffs, in their declaration, show title to the property under one Adam Hoops, who had erected his mill and built a dam in the river previous to the year 1771. In that year, the Provinces of Pennsylvania and New Jersey, respectively, passed acts declaring the River Delaware a common highway for purposes of navigation up and down the same, and mutually appointing commissioners to improve the navigation thereof, with full power and authority to remove any obstructions whatsoever, natural or artificial; and subjecting to fine and imprisonment any person who should set up, repair, or maintain any dam or obstruction in the same, provided, 'that nothing herein contained shall give any power or authority to the commissioners herein appointed, or any of them, to remove, throw down, lower, impair, or in any manner to alter a mill-dam erected by Adam Hoops, Esq., in the said River Delaware, between his plantation and an island in the said river, nearly opposite to Trenton; or any mill-dam erected by any other person or persons in the said river, before the passing of this act, nor to obstruct, or in any manner to hinder the said Adam Hoops, or such other person or persons, his or their heirs and assigns, from maintaining, raising, or repairing the said dams respectively, or from taking water out of the said river for the use of the said mills and waterworks erected as aforesaid, and none other.'

The declaration avers, that by these acts of the provincial legislatures, the said Hoops, his heirs and assigns, became entitled to the free and uninterrupted enjoyment and privilege of the River Delaware for the use of the said mills, &c., without diminution or alteration by or from the act of said Provinces, now States of Pennsylvania and New Jersey, or any person or persons claiming under them or either of them. Nevertheless, that the defendants erected a dam in said river above plaintiffs' mills, and dug a canal and diverted the water, to the great injury, &c.

The defendants are a corporation, chartered by New Jersey, for the purpose of 'constructing a canal from the waters of the Delaware to those of the Raritan, and of improving the navigation of said rivers.' They admit the construction of the canal, and the diversion of the waters of the river for that purpose, but demur to the declaration, and set forth as causes of demurrer--

> 'That the act of the legislature of the then Province of Page 55 U.S. 80, 89
> Pennsylvania,passed March ninth, in the year of our Lord one thousand seven hundred and seventy-one, and the act of the then Province of New Jersey, passed December twenty-first, in the year of our Lord one thousand seven hundred and seventy-one, as set forth in said amended fifth count, do not vest in the said Adam Hoops, or in his heirs or assigns, the right and privilege to the use of the water of the River Delaware without diminution or alteration, by or from the act of the then Province, now State, of Pennsylvania, or of the then Province, now State, of New Jersey, or of any person or persons claiming under either of them, or of any person or persons whomsoever, as averred in the said amended fifth count of the said declaration. And also, for that it does not appear, from the said amended fifth

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count, that the same George Rundle and William Griffiths are entitled to the right and privilege to the use of the water of the River Delaware, in manner and from as they have averred in the said amended fifth count of their declaration.
'And also that, as it appears from the said amended fifth count, that the said River Delaware is a common highway and public navigable river, over which the States of Pennsylvania and New Jersey have concurrent jurisdiction, and a boundary of said States, these defendants insist that the legislative acts of the then Province of Pennsylvania and New Jersey, passed in the year of our Lord seventeen hundred and seventy-one, as set forth in the said amended fifth count, were intended to declare the said River Delaware a common highway, and for improving the navigation thereof, and that the provision therein contained, as to the mill-dam erected by Adam Hoops, in the said River Delaware, did not and does not amount to a grant or conveyance of water power to the said Adam Hoops, his heirs or assigns, or to a surrender of the public right in the waters of the said river, but to a permission only to obstruct the waters of the said river by the said dam, without being subjected to the penalties of nuisance; that the right of the said Adam Hoops was, and that of his assigns is, subordinate to the public right at the pleasure of the legislature of Pennsylvania and New Jersey, or either of them.'

On this demurrer the court below gave judgment for the defendants, which is now alleged as error.
It is evident, that the extent of the plaintiff's rights as a riparian owner, and the question whether this proviso operates as the grant of a usufruct of the waters of the river, or only as a license of toleration of a nuisance, liable to revocation or subordinate to the paramount public right, must depend on the laws and customs of Pennsylvania, as expounded by her own courts. It will be proper, therefore, to give a brief sketch of Page 55 U.S. 80, 90 the public history of the river and the legislative action connected with it, as also of the principles of law affecting aquatic rights, as developed and established by the courts of that State.

The River Delaware is the well known boundary between the States of Pennsylvania and New Jersey. Below tide water, the river, its soil and islands, formerly belonged to the crown; above tide water, it was vested in the proprietaries of the coterminous provinces-each holding ad medium filum aquae. Since the Revolution, the States have succeeded to the public rights both of the crown and the proprietaries. Immediately after the Revolution, these States entered into the compact of 1783, declaring the Delaware a common highway for the use of both, and ascertaining their respective jurisdiction over the same, For thirty years after this compact, they appear to have enjoyed their common property without dispute or collision. When the legislature of either State passed an act affecting it, they requested and obtained the concurrence and consent of the other. Their first dispute was caused by an act of New Jersey, passed February 4, 1815, authorizing Coxe and others to erect a wing dam, and divert the water for the purpose of mills and other machinery. The consent of the State of Pennsylvania was not requested; it therefore called forth a protest from the legislature of that State. This was followed by further remonstrance in the following year. A proposition was made to submit the question of their respective rights to the Supreme Court of the United States, which was rejected by

New Jersey. After numerous messages and remonstrances between the governors and legislatures, commissioners were mutually appointed to compromise the disputes. But they failed to bring the matter to an amicable conclusion. The dispute was never settled, and the wing dam remained in the river.

In 1824, New Jersey passed the first act for the incorporation of the Delaware and Raritan Canal Company, for which the company gave a bonus of $ 100,000. This act requires the consent of the State of Pennsylvania; and on application being made to her legislature, she clogged her consent with so many conditions, that New Jersey refused to accept her terms, returned the bonus to the company; and so the matter ended for that time.

Both parties then appointed commissioners to effect, if possible, some compact or arrangement by which each State should be authorized to divert so much water as would be necessary for these contemplated canals. After protracted negotiations, these commissioners finally (in 1834) agreed upon terms, but the compact proposed by them was never ratified by either party.

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In the mean time, each State appropriated to itself as much of the waters of the river as suited its purpose. In 1827 and 1828, Pennsylvania diverted the River Lehigh, a confluent of the Delaware, and afterwards, finding that stream insufficient, took additional feeders for her canal, out of the main stream of the Delaware. On the 4th February, 1830, the legislature of New Jersey passed the act under which the defendants were incorporated, and in pursuance of which, they have constructed the dam and feeder, the subject of the present suit.

The canals in both States, supplied by the river, are intimately and extensively connected with their trade, revenues, and general property- while the navigation of the river above tide water, and the rapids at Trenton, is of comparatively trifling importance, being used only at times of the spring freshets, for floating timber down the stream, when the artificial diversions do not affect the navigation. The practical benefits resulting to both parties, from their great public improvements, appear to have convinced them that further negotiations, complaints, or remonstrances, would be useless and unreasonable; and thus, by mutual acquiescence and tacit consent, the necessity of a more formal compact has been superseded.

The law of Pennsylvania, by which the title and rights of the plaintiffs must be tested, differs materially from that of England, and most of the other States of the Union. As regards her large fresh-water rivers, she has adopted the principles of the civil law. In the case of Carson v. Blazer, the Supreme Court of that State decided, that the large rivers, such as the Susquehanna and Delaware, were never deemed subject to the doctrines of the common law of England, applicable to fresh water streams, but that they are to be treated as navigable rivers; that the grants of William Penn, the proprietary, never extended beyond the margin of the river, which belonged to the public, and that the riparian owners have therefore no exclusive rights to the soil or water of such rivers ad filum medium aquae.

In Shrunk v. The Schuylkill Navigation Company, the same court repeat the same doctrine; and Chief Justice Tilghman, in delivering the opinion of the court, observes: 'Care seems to have been taken, from the beginning, to preserve the waters of these rivers for public uses, both of fishery and navigation; and the wisdom of that policy is now more striking than ever, from the great improvements in navigation, and others in contemplation, to effect which, it is necessary to obstruct the flow of the water, in some places, and in others to divert its course. It is true that the State would have had a right to do these things for the public benefit, even if the rivers had been private property; but then, compensation must have been made to

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the owners, the amount of which might have been so enormous as to have frustrated, or at least checked these noble undertakings.'

In the case of The Monongahela Navigation Company v. Coons, the defendant had erected his mill under a license given by an act of the legislature (in 1803) to riparian owners to erect dams of a particular structure, 'provided they did not impede the navigation,' &c. The Monongahela Navigation Company, in pursuance of a charter granted them by the State, had erected a dam in the Monongahela, which flowed back the water on the plaintiff's mill, in the Youghiogany, and greatly injured it. And it was adjudged by the court, that the Company were not liable for the consequential injury thus inflicted. The court, speaking of the rights of plaintiff, consequent on the license granted by the act, (of 1803,) observe: 'That statute gave riparian owners liberty to erect dams of a particular structure, on navigable streams, without being indictable for a nuisance, and their exercise of it was, consequently, to be attended with expense and labor. But was this liberty to be perpetual, and forever tie up the power of the State? Or, is not the contrary to be inferred, from the nature of the license? So far was the legislature from seeming to abate one jot of the State's control, that it barely agreed not to prefer an indictment for a nuisance, except on the report of viewers to the Quarter Sessions. But the remission of a penalty is not a charter, and the alleged grant was nothing more than a mitigation of the penal law.'

The case of the Susquehanna Canal Company v. Wright, confirms the preceding views, and decides, 'that the State is never presumed to have parted with one of its franchises in the absence of conclusive proof of such an intention. Hence a license, accorded by a public law to a riparian owner, to erect a dam on the Susquehanna River, and conduct the water upon his land for his own private purposes, is subject to any future provision which the State may make with regard to the navigation of the river. And if the State authorize a company to construct a canal which impairs the rights of such riparian owner, he is not entitled to recover damages from the company. In that case, Wright had erected valuable mills, under a license granted to him by the legislature; but the court say,-'He was bound to know that the State had power to revoke its license whenever the paramount interests of the public should require it. And, in this respect, a grant by a public agent of limited powers, and bound not to throw away the interests confided to it, is different from a grant

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by an individual who is master of the subject. To revoke the latter, after an expenditure in the prosecution of it, would be a fraud. But he who accepts a

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license from the legislature, knowing that he is dealing with an agent bound by duty not to impair public rights, does so at his risk; and a voluntary expenditure on the foot of it, gives him no claim to compensation.'

The principles asserted and established by these cases, are, perhaps, somewhat peculiar, but, as they affect rights to real property in the State of Pennsylvania, they must be treated as binding precedents in this court. It is clear, also, from the application of these principles to the construction of the proviso under consideration, that it cannot be construed as a grant of the waters of a public river for private use, or a fee-simple estate in the usufruct of them, 'without diminution or alteration.' It contains no direct words of grant, which would operate by way of estoppel upon the grantor. The dam of Adam Hoops was a nuisance when it was made; but, as it did little injury to the navigation, the commissioners, who were commanded to prostrate other nuisances, were enjoined to tolerate this. The mills of Hoops had not been erected on the faith of a legislative license, as in the cases we have quoted, and a total revocation of it would not be chargeable with the apparent hardship and injustice which might be imputed to it in those cases. His dam continues to be tolerated, and the license of diverting the water to his mills is still enjoyed, subject to occasional diminution from the exercise of the superior right of the sovereign. His interest in the water may be said to resemble a right of common, which by custom is subservient to the right of the lord of the soil; so that the lord may dig claypits, or empower others to do so, without leaving sufficient herbage on the common. Bateson v. Green, 5 T. R. 411.

Nor can the plaintiff claim by prescription against the public for more than the act confers on him, which is at best impunity for a nuisance. His license, or rather toleration, gives him a good title to keep up his dam and use the waters of the river, as against every one but the sovereign, and those diverting them by public authority, for public uses.

It is true, that the plaintiff's declaration in this case, alleges, that the waters diverted by defendants' dam and canal are used for the purpose of mills, and for private emolument. But as it is not alleged, or pretended, that defendants have taken more water than was necessary for the canal, or have constructed a canal of greater dimensions than they were authorized and obliged by the charter to make, this secondary use must be considered as merely incidental to the main object of their charter. We do not, therefore, consider the question before us, whether the plaintiff might not recover damages against an individual, or private corporation, diverting the water of this river

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to their injury, for the purpose of private emolument only, with or without license, or authority of either of its sovereign owners. The case before us requires us only to decide,

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that by the laws of Pennsylvania, the River Delaware is a public, navigable river, held by its joint sovereigns, in trust, for the public; that riparian owners of land have no title to the river, or any right to divert its waters, unless by license from the State. That such license is revocable, and in subjection to the superior right of the State, to divert the water for public improvements.

It follows, necessarily, from these conclusions, that, whether the State of Pennsylvania claim the whole river, or acknowledge the State of New Jersey, as tenant in common, and possessing equal rights with herself; and whether either State, without consent of the other, has or has not, a right to divert the stream, it will not alter or enlarge the plaintiff's rights. Being a mere tenant at sufferance to both, as regards the usufruct of the water, he is not in a condition to question the relative rights of his superiors. If Pennsylvania chooses to acquiesce in this partition of the waters, for great public improvements, or is estopped to complain by her own acts, the plaintiff cannot complain, or call upon this court to decide questions between the two States, which neither of them sees fit to raise. By the law of his own State, the plaintiff has no remedy against a corporation authorized to take the whole river for the purpose of canals or improving the navigation; and his tenure and rights are the same as regards both the States.
With these views, it will be unnecessary to inquire whether the compact of 1783, between Pennsylvania and New Jersey, operated as a revocation of the license or toleration implied from the proviso of the colonial acts of 1771, as that question can arise only in case the plaintiffs' dam be indicted as a public nuisance.

Nor is it necessary to pass any opinion on the question of the respective rights of either of these co-terminous States to whom this river belongs, to divert its waters, without the consent of the other.
The question raised is not without its difficulties; but being bound to resolve it by the peculiar laws of Pennsylvania, as interpreted by her own courts, we cannot say that the court below has erred in its exposition of them, and therefore affirm the judgment.

Mr. Justice McLEAN and Mr. Justice DANIEL dissented.
Mr. Justice CATRON gave a separate opinion; and Mr. Justice CURTIS dissented from the judgment of the court, on the merits, but not from its entertaining jurisdiction.

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The following are the opinions of Mr. Justice CATRON and Mr. Justice DANIEL.
Mr. Justice CATRON.

My opinion is, and long has been, that the mayor and aldermen of a city corporation, or the president and directors of a bank, or the president and directors of a railroad company, (and of other similar corporations,) are the true parties that sue and are sued as trustees and representatives of the constantly changing stockholders. These are not known to the public, and not suable in practice, by service of personal notice on them respectively, such as the laws of the United States require. If the president and directors are citizens of the State where the corporation was created, and the other party to the suit

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is a citizen of a different State, or a subject or citizen of a foreign government, then the courts of the United States can exercise jurisdiction under the third article of the Constitution. In this sense I understood Letson's case, and assented to it when the decision was made; and so it is understood now.
If all the real defendants are not within the jurisdiction of the court, because some of the directors reside beyond it, then the act of February 28, 1843, allows the suit to proceed, regardless of this fact, for the reasons stated in Litson's case. 2 How. 597.

If the United States courts could be ousted of jurisdiction, and citizens of other States and subjects of foreign countries be forced into the State courts, without the power of election, they would often be deprived, in great cases, of all benefit contemplated by the Constitution; and, in many cases, be compelled to submit their rights to judges and juries who are inhabitants of the cities where the suit must be tried, and to contend with powerful corporations, in local courts, where the chances of impartial justice would be greatly against them; and where no prudent man would engage with such an antagonist, if he could help it. State laws, by combining large masses of men under a corporate name, cannot repeal the Constitution; all corporations must have trustees and representatives, who are usually citizens of the State where the corporation is created; and these citizens can be sued, and the corporate property charged by the suit; nor can the courts allow the constitutional security to be evaded by unnecessary refinements, without inflicting a deep injury on the institutions of the country

Mr. Justice DANIEL.
In the opinion of the court, just announced in this cause, I am unable to concur.
Were the relative rights and interests of the parties to this.

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controversy believed to be regularly before this court, I should have coincided in the conclusions of the majority; for the reason, that all that is disclosed by the record, either of the traditions or the legislation of the States of Pennsylvania and New Jersey, shows an equal right or claim on the part of either of those States to the River Delaware, and to the uses to which the waters of that river might be applied. From such an equality in each of those States, it would seem regularly to follow, that no use or enjoyment of the waters of that river could be invested in the grantees of one of them, to the exclusion of the like use and enjoyment by the grantees of the other. The permission, therefore, from Pennsylvania to Adam Hoops, or his assignees, to apply the waters of the Delaware in the working of his mill, whatever estate or interest it might invest in such grantee, as against Pennsylvania, could never deprive the State of New Jersey of her equal privilege of applying the waters of the same river, either directly, in her corporate capacity, or through her grantee, the Delaware and Raritan Canal Company. My disagreement with my brethren in this case has its foundation in a reason wholly disconnected with the merits of the parties. It is deducible from my conviction of the absence of authority, either here or in the Circuit Court, to adjudicate this cause; and that it should therefore have been remanded, with directions for its dismission, for want of jurisdiction.
The record discloses the fact, that the party defendant in the Circuit Court, and the

appellee before this court, is a corporation, styled in the declaration, 'a corporation created by the State of New Jersey.' It is important that the style and character of this party litigant, as well as the source and manner of its existence, be borne in mind, as both are deemed material in considering the question of the jurisdiction of this court, and of the Circuit Court. It is important, too, to be remembered, that the question here raised stands wholly unaffected by any legislation, competent or incompetent, which may have been attempted in the organization of the courts of the United States; but depends exclusively upon the construction of the 2d section of the 3d article of the Constitution, which defines the judicial power of the United States; first, with respect to the subjects embraced within that power; and, secondly, with respect to those whose character may give them access, as parties, to the courts of the United States. In the second branch of this definition, we find the following enumeration, as descriptive of those whose position, as parties, will authorize their pleading or being impleaded in those courts; and this position is limited to 'controversies to which the United States are a party;

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controversies between two or more States,-between citizens of different States,-between citizens of the same State, claiming lands under grants of different States,-and between the citizens of a State and foreign citizens or subjects.'

Now, it has not been, and will not be, pretended, that this corporation can, in any sense, be identified with the United States, or is endowed with the privileges of the latter; or if it could be, it would clearly be exempted from all liability to be sued in the Federal courts. Nor is it pretended, that this corporation is a State of this Union; nor, being created by, and situated within, the State of New Jersey, can it be held to be the citizen or subject of a foreign State. It must be, then, under that part of the enumeration in the article quoted, which gives to the courts of the United States jurisdiction in controversies between citizens of different States, that either the Circuit Court or this court can take cognizance of the corporation as a party; and this is, in truth, the sole foundation on which that cognizance has been assumed, or is attempted to be maintained. The proposition, then, on which the authority of the Circuit Court and of this tribunal is based, is this: The Delaware and Raritan Canal Company is either a citizen of the United States, or it is a citizen of the State of New Jersey. This proposition, startling as its terms may appear, either to the legal or political apprehension, is undeniably the basis of the jurisdiction asserted in this case, and in all others of a similar character, and must be established, or that jurisdiction wholly fails. Let this proposition be examined a little more closely.

The term citizen will be found rarely occurring in the writers upon English law; those writers almost universally adopting, as descriptive of those possessing rights or sustaining obligations, political or social, the term subject, as more suited to their peculiar local institutions. But, in the writers of other nations, and under systems of polity deemed less liberal than that of England, we find the term citizen familiarly reviving, and the character and the rights and duties that term implies, particularly defined. Thus, Vattel, in his 4th book, has a chapter, (cap. 6th,) the title of which is: 'The concern a nation may have in the actions of her citizens.' A few words from the text of that chapter will show

the apprehension of this author in relation to this term. 'Private persons,' says he, 'who are members of one nation, may offend and ill-treat the citizens of another; it remains for us to examine what share a state may have in the actions of her citizens, and what are the rights and obligations of sovereigns in that respect.' And again: 'Whoever uses a citizen ill, indirectly offends the state, which is bound to protect this citizen.' The meaning of the term

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citizen or subject, in the apprehension of English jurists, as indicating persons in their natural character, in contradistinction to artificial or fictitious persons created by law, is further elucidated by those jurists, in their treatises upon the origin and capacities and objects of those **artificial persons** designated by the name of corporations. Thus, Mr. Justice Blackstone, in the 18th chapter of his 1st volume, holds this language: 'We have hitherto considered persons in their natural capacities, and have treated of their rights and duties.

But, as all personal rights die with the person; and, as the necessary forms of investing a series of individuals, one after another, with the same identical rights, would be inconvenient, if not impracticable; it has been found necessary, when it is for the advantage of the public to have any particular rights kept on foot and continued, to constitute artificial persons, who maintain a perpetual succession, and enjoy a kind of legal immortality. These artificial persons are called corporations.'

This same distinguished writer, in the first book of his Commentaries, p. 123, says, 'The rights of persons are such as concern and are **annexed** to the **persons of men**, and when the person to whom they are due is regarded, are called simply rights; but when we consider the person from whom they are due, they are then denominated, duties,' And again, cap. 10th of the same book, treating of the PEOPLE, he says, 'The people are either aliens, that is, born out of the dominions or allegiance of the crown; or natives, that is, such as are born within it.' Under our own systems of polity, the term, citizen, implying the same or similar relations to the government and to society which appertain to the term, subject, in England, is familiar to all. Under either system, the term used is designed to apply to man in his individual character, and to his natural capacities; to a being, or agent, possessing social and political rights, and sustaining, social, political, and moral obligations. It is in this acceptation only, therefore, that the term, citizen, in the article of the Constitution, can be received and understood. When distributing the judicial power, that article extends it to controversies between citizens of different States. This must mean the natural physical beings composing those separate communities, and can, by no violence of interpretation, be made to signify artificial, incorporeal, theoretical, and invisible creations. A corporation, therefore, being not a natural person, but a mere creature of the mind, invisible and intangible, cannot be a citizen of a State, or of the United States, and cannot fall within the terms or the power of the above-mentioned article, and can therefore neither plead nor be impleaded in the courts of the United States. Against this position it may be urged, that the

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converse thereof has been ruled by this court, and that this matter is no longer open for question. In answer to such an argument, I would reply, that this is a matter involving a construction of the Constitution, and that wherever the construction or the integrity of that sacred instrument is involved, I can hold myself trammelled by no precedent or number of precedents. That instrument is above all precedents; and its integrity every one is bound to vindicate against any number of precedents, if believed to trench upon its supremacy. Let us examine into what this court has propounded in reference to its jurisdiction in cases in which corporations have been parties; and endeavor to ascertain the influence that may be claimed for what they have heretofore ruled in support of such jurisdiction. The first instance in which this question was brought directly before this court, was that of the Bank of the United States v. Deveaux, 5 Cranch, 61. An examination of this case will present a striking instance of the error into which the strongest minds may be led, whenever they shall depart from the plain, common acceptation of terms, or from well ascertained truths, for the attainment of conclusions, which the subtlest ingenuity is incompetent to sustain. This criticism upon the decision in the case of the Bank v. Deveaux, may perhaps be shielded from the charge of presumptuousness, by a subsequent decision of this court, hereafter to be mentioned. In the former case, the Bank of the United States, a corporation created by Congress, was the party plaintiff, and upon the question of the capacity of such a party to sue in the courts of the United States, this court said, in reference to that question, 'The jurisdiction of this court being limited, so far as respects the character of the parties in this particular case, to controversies between citizens of different States, both parties must be citizens, to come within the description. That invisible, intangible, and artificial being, that mere legal entity, a corporation aggregate, is certainly not a citizen, and consequently cannot sue or be sued in the courts of the United States, unless the rights of the members in this respect can be exercised in their corporate name. If the corporation be considered as a mere faculty, and not as a company of individuals, who, in transacting their business, may use a legal name, they must be excluded from the courts of the Union.' The court having shown the necessity for citizenship in both parties, in order to give jurisdiction; having shown farther, from the nature of corporations, their absolute incompatibility with citizenship, attempts some qualification of these indisputable and clearly stated positions, which, if intelligible at all, must be taken as wholly subversive of the positions so laid down. After stating the requisite of citizenship, and showing that a

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corporation cannot be a citizen, 'and consequently that it cannot sue or be sued in the courts of the United States,' the court goes on to add, 'unless the rights of the members can be exercised in their corporate name.' Now, it is submitted that it is in this mode only, viz. in their corporate name, that the rights of the members can be exercised; that it is this which constitutes the character, and being, and functions of a corporation. If it is meant beyond this, that each member, or the separate members, or a portion of them, can take to themselves the character and functions of the aggregate and merely legal being, then the corporation would be dissolved; its unity and perpetuity, the essential features of its

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nature, and the great objects of its existence, would be at an end. It would present the anomaly of a being existing and not existing at the same time. This strange and obscure qualification, attempted by the court, of the clear, legal principles previously announced by them, forms the introduction to, and apology for, the proceeding, adopted by them, by which they undertook to adjudicate upon the rights of the corporation, through the supposed citizenship of the individuals interested in that corporation. They assert the power to look beyond the corporation, to presume or to ascertain the residence of the individuals composing it, and to model their decision upon that foundation. In other words, they affirm that in an action at law, the purely legal rights, asserted by one of the parties upon the record, may be maintained by showing or **presuming** that these rights are vested in some other person who is no party to the controversy before them.

Thus stood the decision of the Bank of the United States v. Deveaux, wholly irreconcilable with correct definition, and a puzzle to professional apprehension, until it was encountered by this court, in the decision of the Louisville and Cincinnati Railroad Company v. Letson, reported in 2 Howard, 497. In the latter decision, the court, unable to untie the judicial entanglement of the Bank and Deveaux, seem to have applied to it the sword of the conqueror; but, unfortunately, in the blow they have dealt at the ligature which perplexed them, they have severed a portion of the temple itself. They have not only contravened all the known definitions and adjudications with respect to the nature of corporations, but they have repudiated the doctrines of the civilians as to what is imported by the term subject or citizen, and repealed, at the same time, that restriction in the Constitution which limited the jurisdiction of the courts of the United States to controversies between 'citizens of different States.' They have asserted that, 'a corporation created by, and transacting business in a State, is to be deemed an inhabitant of the State, capable of being treated

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as a citizen, for all the purposes of suing and being sued, and that an averment of the facts of its creation, and the place of transacting its business, is sufficient to give the circuit courts jurisdiction.'

The first thing which strikes attention, in the position thus affirmed, is the want of precision and perspicuity in its terms. The court affirm that a corporation created by, and transacting business within a State, is to be deemed an inhabitant of that State. But the article of the Constitution does not make inhabitancy a requisite of the condition of suing or being sued; that requisite is citizenship. Moreover, although citizenship implies the right of residence, **the latter by no means implies citizenship.** Again, it is said that these corporations may be treated as citizens, for the purpose of suing or being sued. Even if the distinction here attempted were comprehensible, it would be a sufficient reply to it, that the Constitution does not provide that those who may be treated as citizens, may sue or be sued, but that the jurisdiction shall be limited to citizens only; citizens in right and in fact. The distinction attempted seems to be without meaning, for the Constitution or the laws nowhere define such a being as a quasi citizen, to be called into existence for particular purposes; a being without any of the attributes of citizenship, but the one for which he may be temporarily and arbitrarily created, and to be dismissed from existence

the moment the particular purposes of his creation shall have been answered. In a political, or legal sense, none can be treated or dealt with by the government as citizens, but those who are citizens in reality. It would follow, then, by necessary induction, from the argument of the court, that as a corporation must be treated as a citizen, it must be so treated to all intents and purposes, because it is a citizen. Each citizen (if not under old governments) certainly does, under our system of polity, possess the same rights and faculties, and sustain the same obligations, political, social, and moral, which appertain to each of his fellow-citizens. As a citizen, then, of a State, or of the United States, a corporation would be eligible to the State or Federal legislatures; and if created by either the State or Federal governments, might, as a native-born citizen, aspire to the office of President of the United States-or to the command of armies, or fleets, in which last example, so far as the character of the commander would form a part of it, we should have the poetical romance of the spectre ship realized in our Republic. And should this incorporeal and invisible commander not acquit himself in color or in conduct, we might see him, provided his arrest were practicable, sent to answer his delinquencies before a court-martial, and subjected to the penalties

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of the articles of war. Sir Edward Coke has declared, that a corporation cannot commit treason, felony, or other crime; neither is it capable of suffering a traitor's or felon's punishment; for it is not liable to corporeal penalties-that it can perform no personal duties, for it **cannot take an oath** for the due execution of an office; neither can it be arrested or committed to prison, for its existence being ideal, no man can arrest it; neither can it be excommunicated, for it has no soul. But these doctrines of Lord Coke were founded upon an apprehension of the law **now treated as antiquated and obsolete**. His lordship did not anticipate an improvement by which a corporation could be transformed into a citizen, and by that transformation be given a physical existence, and endowed with soul and body too. The incongruities here attempted to be shown as necessarily deducible from the decisions of the cases of the Bank of the United States v. Deveaux, and of the Cincinnati and Louisville Railroad Company v. Letson, afford some illustration of the effects which must ever follow a departure from the settled principles of the law. These principles are always traceable to a wise and deeply founded experience; they are, therefore, ever consentaneous, and in harmony with themselves and with reason; and whenever abandoned as guides to the judicial course, the aberration must lead to bewildering uncertainty and confusion. Conducted by these principles, consecrated both by time and the obedience of sages, I am brought to the following conclusions: 1st. That by no sound or reasonable interpretation, can a corporation-a mere faculty in law, be transformed into a citizen, or treated as a citizen. 2d. That the second section of the third article of the Constitution, investing the courts of the United States with jurisdiction in controversies between citizens of different States, cannot be made to embrace controversies to which corporations and not citizens are parties; and that the assumption, by those courts, of jurisdiction in such cases, must involve a palpable infraction of the article and section just referred to. 3d. That in the cause before us, the party defendant in the Circuit Court having been a corporation aggregate, created by the State of New Jersey, the Circuit Court could not properly take cognizance thereof; and, therefore, this

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cause should be remanded to the Circuit Court, with directions that it be dismissed for the want of jurisdiction.

Order.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the

Page 55 U.S. 80, 103

District of New Jersey, and was argued by counsel. On consideration whereof, it is now here ordered and adjudged by this court, that the judgment of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs.

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Insert cover letter here"

Purpose; deliver legal notice that those participating in a conspiracy of cover up, that USC WAS NEVER LAWFULLY PASSED INTO LAW; therefore release all presently being prosecuted, incarcerated, under investigation; by educating internally or enter contracturally into a contract establishing the tort claims which are about to follow after foreclosing on their public bonds.

18usc not passed and state of new York v William Clinton ruled on this because line item veto's were not within presidential authority, the system is xtremely specific. The law granting that authority was never lawfully passed

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Christopher Dudley-
DBA-Acting Deputy
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In Care of:
Thurgood Marshall Federal Judiciary Building
One Columbus Circle NE., Washington, DC 20002-8003
Phone, 202-502-4000. Internet, www.fjc.gov.

California specifically – sothern CA district	phone	fax
Clerk of Court	(619) 557-5600	(619) 557-5175
Metropolitan Correctional Center (MCC)	(619) 232-4311	(619) 595-0390
Federal Bureau of Investigation (FBI)	(858) 565-1255	(858) 499-7991
Prisoner Services		

UNITED STATES DISTRICT COURT APPELLATE
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UNITED STATES DISTRICT COURT –SOUTHERN
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San Diego, CA 92101
Phone: 619-557-6348

Phone: 619-557-5620

Internet Web Site:
http://www.casb.uscourts.gov

ECF link:
https://ecf.casb.uscourts.gov

RE: UNITED STATES DISTRICT COURT SOTHERN DISTRICT CALIFORNIA AND NINTH CIRCUIT APPELLATE ON CASE # # 04 CR 1298(BEN)-02

A. FINDING NEWLY DISCOVERED EVIDENCE

Typically, the government has records in about 15 different agencies related to a criminal Defendant. When the prosecutor goes before the judge, the judge might ask the Prosecutor if he has produced the evidence in "his files" for your case. The Prosecutor will probably say he has produced the evidence in his files. What will conveniently be omitted by the Prosecutor is that he is required to produce evidence in "all agencies" of the government, and that the prosecutor has conveniently moved the evidence to other agencies so the Defendant does not see it. It is never the prosecutor's duty to determine what evidence is material, and it is not your responsibility to have to go on a treasure hunt to find the evidence. In order to have a fair trial, or a fair plea process, the government is required to produce all records in all agencies of the government for review prior to trial, or prior to a knowing and intelligent plea agreement. Unfortunately, the government never does.

B. OBTAINING EVIDENCE OF CONCEALMENT

In order to obtain evidence of concealment, you need to send FOIA requests to all agencies that might have records on you, and request the answers returned ***certified***. Typical government agencies which might have records include: State Department, FBI, DEA, EOUSA, Interpol, Treasury, Comptroller of Currency, FINCEN, Department of Justice, Criminal Division of the Department of Justice, Homeland Security. Go through the list of possible agencies and identify any agency that could have records on you.

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Then send in FOIA requests and request the answers to be returned certified. You need to be prepared to file a FOIA suit in Washington, DC court (never in your district court), if necessary to obtain the records.

NEWLY DISCOVERED EVIDENCE IS MATERIAL BY LAW

The United States Constitution is the government's contract with its citizens. The Fifth Amendment requires: "No person shall be ...be deprived of life, liberty, or property, without due process of law ..." The Sixth Amendment requires: "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense."

Due Process requires a prosecutor to disclose all favorable evidence to a defendant in a criminal case. *Brady v. Maryland*, 373 U.S. 83, 87, 83 S.Ct. 1994, 1196-1197, 10 L. Ed. 2d 215 (1963); *Edmond v. Collins*, 8 F.3d 290, 293 (5th Cir. 1993).[1]

The government knows or should know that the records concealed and/or destroyed are *Brady* material. *U.S. v. Garrett*, 238 F.3d 293, 297 (5th Cir. 2000). The concealment of the records can impact trial strategy and the organized and efficient preparations for trial by defense counsel and the court. Id. It is the job of the **defense, not the prosecution**, to **decide** whether and in what way to use arguably favorable evidence. Id.

The concealment of the evidence by the government establishes its materiality as a matter of law, creating a *presumption* that can not be overcome by the government. *Runkle v. Burnham*, 153 U.S. 216, 38 L.Ed. 694, 14 S.Ct. 837 (1894)(the failure of a party to produce in evidence or to testify in reference to an instrument, when its contents were peculiarly within its knowledge, justifies the **presumption** that its provisions would have been unfavorable to his position); *Kirby v. Tallmadge*, 160 U.S. 379, 16 S.Ct. 349, 40 L.Ed. 463 (1896)(the failure of a party to produce evidence in his power in elucidation of the subject matter in dispute raises a **presumption** against him); *Fitsimmons v. Ogden*, 7 Cranch 2, 11 U.S. 2, 3 L.Ed. 249 (1812); *Wetmore v. Rymer*, 169 U.S. 115, 42 L.Ed. 682, 18 S.Ct. 293 (1898) *Burdine v. Johnson*, 262 F.3d 336, 366 (5th Cir. 2001)(failure to produce available evidence justifies an inference that it would be unfavorable to the other party).

The government waives its right to claim privileges on documents concealed. *SEC v. First Financial Group of Texas, Inc.*, 659 F.2d 660, 668-669 (5th Cir. 1981);

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Clarke v. American Commerce National Bank, 974 F.2d 127, 129 9th Cir. 1992); *Spence v. Johnson*, 80 F.3d 989, 1005 (5th Cir. 1996)(inadmissible evidence may be material and disclosable); *Sellers v. Estelle*, 651 F.2d 1074, 1077, n.6 95th Cir. 1981); *Peat, Marwick, Mitchell, & Co. v. West*, 748 F.2d 540, 542 (10th Cir. 1984)(failure to make a clear showing that privilege applies to a document sought in discovery is not excused by a later showing that the document would have been privileged if a timely showing had been made).

As a matter of law, the burden on concealed evidence now shifts to the government and the government can not carry that burden. See *Campbell v. United States*, 365 U.S. 85, 96, 5 L.Ed. 2d 428, 81 S.Ct. 421 (1961)("[T]he ordinary rule, based on considerations of fairness, does not place the burden on a litigant of establishing facts peculiarly within the knowledge of his adversary"); *United States v. New York, N.H. & H.R. Co.*, 355 U.S. 253, 78 S.Ct. 212, 2 L.Ed.2d 247 (1957); *Allstate Finance Corp. v. Zimmerman*, 330 F.2d 740, 744 (5th Cir. 1964)(where burden of proof of negative fact normally rests on one party, but that party has peculiar knowledge or control of evidence as to such matter, the burden rests on the latter to produce such evidence, and failing, the negative will be **presumed** to be established); *United States v. Denver & R.G.R. Co*, 191 U.S. 84, 24 S.Ct. 33, 48 L.Ed. 106 (1893); *Morgan v. Gardner*, 264 F.Supp. 476, 577-578, F.N. 3 (S.D.Miss. 1967)("... The rule is applicable even in criminal cases"); *Local 167 Brotherhood of Teamsters v. United States*, 291 U.S. 293, 54 S.Ct. 396, 78 L.Ed. 804 (1934); *Patco v. Federal Labor Relations Authority*, 685 F.2d 547, 577, FN 65 (D.C.Cir. 1982)("Common sense and established principles of evidence disfavor unnecessarily placing such difficult, perhaps impossible burdens on a party"); *Allseas Maritime, S.A. v. M/V Mimosa*, 812 F.2d 243, 248 (5th Cir. 1987).

The government's conduct and concealment of the evidence not only violates Due Process but also violates F.R.Civ.P. 16(c) (continuing duty to disclose); F.R.Civ.P. 11(b) (representations to the Court); F.R.Civ.P 26(e) (supplementation of disclosures and responses); F.R.Civ.P. 26(g) (signing of disclosures, discovery requests, responses, and objections); F.R.Civ.P. 37(failure to make disclosure or cooperate in discovery; sanctions); F.R.Crim.P. 16(c); F.R.Civ.P. 11(b); F.R.Civ.P. 26(e); F.R.Civ.P 26(g); and F.R.Civ.P. 37).[2]

The government's conduct in concealing evidence also violates most standing orders regarding discovery and the Court's orders for discovery in trial proceedings.

The failure to disclose violates the Code of Professional Conduct, local rules, and the quasi-judicial responsibility of the prosecutors. *Strickler v. Greene*, 527 U.S. 263, 281, 144 L.Ed. 2d 286, 119 S.Ct. 1936 (1999) (the U.S. attorney is the representative of a sovereignty whose obligation to govern impartially is as compelling as its obligation to Govern at all).

D. **SUMMARY**

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The complete brief on USC 18, having never been passed into law, USC 26, being a trust obligation, having never been passed into law, the completely incomprehensible and fraudulent records of the INTERNAL REVENUE SERVICE, being so poorly established that the office of GAO cannot use these records to conduct an audit, or as the individual master files would indicate the fraudulent domicile of most being within US territories (ex: Puerto Rico, American Samoa, the Marianna Islands et al;) beginning of the evidence of fraudulent practices by the Office of U.S. Attorneys, Department of Justice to obtain convictions. Even the issue of the true party in interest being 100% concealed, is fundamental to true disclosure and discovery.

When someone wins 99 percent of the time, they are not playing by the rules, or the secret code of conduct required under the 1939 indentured trustee act. Being the fundamental cause of overt deception.

[1] When you present concealed evidence, you should request the court to take Judicial Notice of the Constitution of the United States. See *Marbury v. Madison*, 1 Cranch 137, 5 U.S. 137, 2 L.Ed. 60 (1803)(Courts of the United States are bound to take notice of the Constitution).

[2] You should also request the court to take judicial notice of the Criminal and Civil Discovery rules and the plain meaning of the words and phrases of the rules. *St. Louis, L.M. & S.R. Co. v. Starbird*, 243 U.S. 592, 61 L.Ed. 917, 37 S.Ct. 462 (1917); *Missouri K & T.R. Co. v. Wulf*, 226 U.S. 570, 57 L.Ed. 355, 33 S.Ct. 35 (1913)(All courts, federal and state alike, take judicial notice of the public and general acts of Congress).

Further since USC 27 -7211 indicates the courts operating under "color of law" as administrative hearing officers only have no lawful authority to imprison, etc. et al; but simply to provide a commercial remedy, by accessing the trust, to provide for a remedy, in conformance with the public trustees duties, to administer the public trust. Any and all overt obstructions of the trustee relationship are therefore, demonstrable evidence to terminate the trustee, and bring the USC 18 violations (acts that although not passed as public law are valid against public trustees, just as USC 26 being valid trust arrangements rather than public law) against the public servants for their complicit violations of the trustee obligations, invoking a military style court martial against their public commission. Without compliance to the trust agreement, the Grantor has the right to terminate said trust by revesting title directly to himself as beneficiary of the trust; thereby eliminating all relations with the public servants (trustees). (termination)

Earthly government has not been given the sword in vain, for the duties of the courts is to maintain the foundational principals of the trust agreement, to life, liberty and the pursuit of happiness, and it shall not infringe upon mans freedom to worship his creator, in the manner he seems appropriate. (governments boundary prohibiting the establishment of

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religion) yet this fundamental breach revolves around the covenous scheme to deprive men of their freedom to maintain property, which they are trustees of; and to establish the religion of secular humanism. (man is God)

Malfeasance, Malpractice, etc are justifiable reasons to abrogate the trustee relationship, for ignorance of the law is no excuse, and equality under the law is Paramount!

What is the controlling international law? (CANADA CASE) AMONGST MANY

The plaintiffs in the lawsuit WILL allege that the actions of the UNITED STATES DISTRICT COURTS - violated the Fourth Geneva Convention; Canada's Crimes Against Humanity and War Crimes Act; the Quebec Charter of Human Rights and Freedoms; and the Civil Code of Quebec.

Each of these conventions create or utilize international law in defending the rights of civilians in conflict zones.

The Fourth Geneva Convention - formally known as the Geneva Convention relative to the Protection of Civilian Persons in Time of War - establishes assumed responsibilities and rules followed by States during armed conflicts.

Article 2 states that these rules apply to States partially or totally occupying territory of another member to the convention. These rules apply even if one of the participants in the armed conflict is not a member to the convention.

Source: The International Court of Justice's advisory opinion: Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory (2003).

Article 49 forbids the mass forcible transfers - such as removing people from their village. There is an exception for military necessity.

Article 53 forbids the seizure of real or personal property from individuals, unless militarily necessary.

STRICKTLY US ISSUES:

The House judiciary in 1946 proceeded to codify title 18, once completed the house took a vote and passed the bill. Then the bill was sent to the Senate judiciary where some

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amendments to the House version were added, once the Senate amendments were incorporated into the bill, the Senate in 1947 voted and passed the amended version of the House bill. This is where everything begins to breakdown in the passage of this bill. The bill was then sent back to the House for approval of the Senate version and passage by a majority vote of the House. Unfortunately this required vote by the House never took place. In 1948 Congress adjourned and left two individuals in charge to certify bills passed by both the House and Senate. The initial House version was confirmed (certified) however the Senate version was not and that is the version that was sent to the President desk for signature and was purportedly signed into law.

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August 5, 2008

AUSTIN, TEXAS

ILS ANNOUNCES MAJOR BREAKTHROUGH ON TITLE 18

ILS Services, Inc., a leading legal research firm headquartered in Austin, Texas, announced that it has been advised that the first person has been released challenging the validity of Title 18.

ILS was advised that a win was issued in West Virginia for one prisoner.

Further research by ILS has also uncovered another significant error in the criminal code. The federal Title 18 criminal code was codified in 1909, again in

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1940, and again in 1948. In 1909 and 1940 the jurisdictional section for federal courts only authorized prosecution under Title 18 crimes, not under drug crimes or IRS crimes. The 1940 statute, 18 USC § 546, we never repealed or amended. That statute, which is still valid, only authorized prosecution for 1909 Title 18 crimes, nothing for Title 21 or Title 26. Furthermore, under the Fair Warning Doctrine, to prosecute someone under a prior statute, a person must be given warning under that statute. Therefore, no possible prosecution exists under Title 21, Title 26, or under any Title 18 charge other than those listed in the 1909 act, but prior notice is required.

ILS intends to reopen cases by raising the additional error, which would deprive the court of jurisdiction over any criminal case.

Office of the Clerk
U.S. House of Representatives
Washington, DC 20515–6601

September 11, 2006

Thank you for contacting the Office of the Clerk.

After conducting a thorough examination of the journals, I found no entry in the journal of the House of any May 12, 1947 vote on the H.R. 3190 bill, although pages 343-344 of the Journal of the House of Representatives from the 1st Session of the 80th Congress indicates that the bill was amended, purportedly passed, and transmitted to the Senate for concurrence. The Senate took no action on the H.R. 3190 bill prior to the December 19, 1947 sine die adjournment.

Page 5049 of the Congressional Record, 80th Congress, 1st Session indicates 44 Members voting 38 to 6 to amend H.R. 3190 on May 12, 1947. Therefore by counting the total yea and nay vote a quorum was not present.

According to House Rules, when less than a majority of a quorum votes to pass a bill, the journal must show the names of Members present but not voting. I found no record of any names for the May 12, 1947 vote. I hope this information has answered your questions

Sincerely Yours,

Karen L. Haas

Karen L. Haas
Clerk, U.S. House of Representatives

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No. _____

In The
Supreme Court of the United States

In re:
YORIE VON KAHL, BRIAN EDWARD RATIGAN, SALVATORE LEONE, RAYMOND L. BLEDSOE, DANIEL ANGEL RODRIGUEZ, MARK ANTHONY CLARK, LARRY EUGENE GEORGE, GARY L. SETTLE, CHARLES BRUCE NABORS, KEVIN LEROY McLAUGHLIN, WARREN ALLEN DITTRICH, TONY EMERY, WILLIAM ANTHONY JOHNSON, RONALD TITLBACH, BENJAMIN F. SHIPLEY, JR., JOSEPH P. RYNCARZ, LONNIE L. GRAVES, TROY LAWRENCE, SR., JEREMIAH J. KERBY, GUY J. WESTMORELAND, JAMES K. VEST, DARRYL L. WILSON, ANTHONY ANTOINE HARTWELL, and DONALD W. ENGELKING,
Petitioners.

PETITION FOR WRITS OF HABEAS CORPUS

JAMES W. PARKMAN, III
505 North 20th Street, Suite 825
Birmingham, AL 35203
Telephone No.: (205) 244-1115
Facsimile No.: (205) 244-1171
ASB No.: 7770K27J

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i

QUESTIONS PRESENTED

A. Whether this Court should exercise its original jurisdiction over this matter in the unique and exceptional circumstances presented and in light of the significant constitutional issues of public import.

B. Whether *Public Law 80-772*, Act of June 25, 1948, Ch. 645, Section 1, 62 Stat. 683 *et seq.*, is unconstitutional and *void* because *H.R. 3190* never passed both Houses as required by Article 1, Section 7, Clause 2.

C. Whether permitting post-adjournment legislative business pursuant to *H.Con.Res. 219* violated the Quorum, Bicameral and Presentment Requirements of Article I of the Constitution.

D. Whether post-adjournment signing of *H.R. 3190* by Single Officers of the Houses and presentment to and approval thereof by the President pursuant to *H.Con.Res. 219* violated provisions of Article I of the Constitution.

E. Whether a purported bill signed by the Officers of both Houses of Congress and presented to the President post-adjournment and in absence of quorums, which was not certified as truly enrolled nor the enrolled bill in fact, a clear violation of Title 1, United States Code, Section 106, House Rules and Precedents prohibiting such acts, rendered the bill signed into *Public Law 80-772* null and *void*.

F. Whether the District Court Orders committing Petitioners to Executive Custody pursuant to Section 3231 of the unconstitutional *Public Law 80-772* were issued *ultra vires*, are unconstitutional and *coram non judice*, and their imprisonments are unlawful

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There are two special trial courts that have nationwide jurisdiction over certain types of cases.

1. The Court of International Trade addresses cases involving international trade and customs issues.
2. The United States Court of Federal Claims has jurisdiction over most claims for money damages against the United States, disputes over federal contracts, unlawful "takings" of private property by the federal government, and a variety of other claims against the United States.

TITLE 28 > PART IV > CHAPTER 85 > § 1333
Prev | Next

§ 1333. Admiralty, maritime and prize cases

How Current is This?
The district courts shall have original jurisdiction, exclusive of the courts of the States, of:
(1) Any civil case of admiralty or maritime jurisdiction, saving to suitors in all cases all other remedies to which they are otherwise entitled.
(2) Any prize brought into the United States and all proceedings for the condemnation of property taken as prize.

Admiralty law or maritime law is the distinct body of law (both substantive and procedural) governing navigation and shipping. Topics associated with this field in legal reference works may include: shipping; navigation; waters; commerce; seamen; towage; wharves, piers, and docks; insurance; maritime liens; canals; and recreation. Piracy (ship hijacking) is also an aspect of admiralty.

The courts and Congress seek to create a uniform body of admiralty law both nationally and internationally in order to facilitate commerce. The federal courts derive their exclusive jurisdiction over this field from the Judiciary Act of 1789 and from Article III, § 2 of the U.S. Constitution. Congress regulates admiralty partially through the Commerce Clause. American admiralty law formerly applied only to American tidal waters. It now extends to any waters navigable within the United States for interstate or foreign commerce. In such waters admiralty jurisdiction includes maritime matters not involving interstate commerce, including recreational boating.

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Regulations are found in the Federal Rules of Civil Procedure. The Supplemental Admiralty Rules take precedence over the Federal Rules of Civil Procedure in the event of conflict between the two.

Source: http://www.law.cornell.edu/topics/admiralty.html
http://topics.law.cornell.edu/wex/Admiralty
http://uscode.law.cornell.edu/uscode/html/uscode33
http://uscode.law.cornell.edu/uscode/html/uscode46
http://www.law.cornell.edu/anncon/search/index.html?query=admiralty+or+harbor+or+navigation
http://www.law.cornell.edu/anncon/search/display.html?terms=admiralty%20or%20harbor%20or%20navigation&url=/anncon/html/art3frag14_user.html
http://www.law.cornell.edu/anncon/search/display.html?terms=admiralty%20or%20harbor%20or%20navigation&url=/anncon/html/art3frag14_user.html
http://www.law.cornell.edu/anncon/search/display.html?terms=admiralty%20or%20harbor%20or%20navigation&url=/anncon/html/amdt6frag3_user.html
http://www.law.cornell.edu/anncon/search/display.html?terms=admiralty%20or%20harbor%20or%20navigation&url=/anncon/html/amdt6frag1_user.html
http://www.law.cornell.edu/anncon/search/display.html?terms=admiralty%20or%20harbor%20or%20navigation&url=/anncon/html/art4frag13_user.html
usc 46 shipping
http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title46/46cfr221_main_02.tpl
description of the courts in rem actions by a hearing officer (judge)
http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=d11bef0763c5b328e973b8cf38de0a15&rgn=div5&view=text&node=46:8.0.1.2.7&idno=46#46:8.0.1.2.7.2.1.4
Title 46: Shipping
PART 346—FEDERAL PORT CONTROLLERS

HOSPITALS ARE ORIGINAL PORT OF ENTRY!
Sec. 3 Standby agreements.

The Director, NSA, may negotiate the standard form of service agreement, specified in section 4, with port authorities on a standby basis, prior to the deployment of the Armed Forces of the United States, or other requirements of the nation's defense. In such cases, the contractor accepts the obligation to maintain a qualified incumbent in the position specified in Article 1 of the service agreement and to be prepared to furnish the resources specified in Articles 4 and 5. An agreement executed on a standby basis may become operational in connection with the deployment of the Armed Forces of the United States, or other requirements of the nation's defense. An agreement executed after the deployment of the Armed Forces of the United States, or other requirements of the nation's defense may be operational upon execution.
[60 FR 38737, July 28, 1995]

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Received at: 10:26AM, 6/15/2009

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Title 46: Shipping
PART 351—DEPOSITORIES

§ 351.1 Purpose.

The purpose of this part is to set forth the criteria necessary for depositories of funds under all programs authorized by the Merchant Marine Act, 1936, as amended (46 U.S.C. 1101 et seq.) (Act).
[38 FR 8061, Mar. 28, 1973]
Title 46: Shipping
PART 351—DEPOSITORIES
Browse Previous

§ 351.2 Qualification of depository.

(a) *General qualification.* Any depository which is a member of the Federal Deposit Insurance Corporation will be approved for deposit of funds under the maritime programs authorized by the Act. With respect to the Capital Construction Fund program, any depository which is a member of the Securities Investor Protection Corporation, and is organized as a corporation under the laws of the United States, any State, territory, or possession thereof or the District of Columbia, will also be approved for the deposit of funds.
(b) *Limitation on amount of deposits.* No person making deposits under the programs authorized by the Act shall make or maintain deposits which exceed 5 percent of the depository's total deposits.
[38 FR 8061, Mar. 28, 1973, as amended at 63 FR 55039, Oct. 14, 1998]
Title 46: Shipping
PART 370 CLAIMS
Subpart A—Processing of Time-Barred Claims
Browse Previous

§ 370.2 General policy.

(a) Time-barred claims shall be rejected, except as follows:
(1) A time-barred claim which could be asserted in court by way of set-off against a claim in favor of the United States arising out of the same contract may be considered in an overall settlement where settlement will result in a net payment to the United States, provided claimant releases the United States from all claims arising from or in any way connected with said contract.
(2) Time-barred claims in favor of friendly foreign governments shall not be rejected solely because they are time-barred. However, should any such government adopt the practice of asserting the statute of limitations as a defense against claims of the United States, the time-barred claims of that government shall be rejected.
(3) Time-barred claims arising under Second Seamen's War Risk insurance (or similar earlier types of crew insurance) where the policy was issued or the risks were assumed by the Maritime Administration (or its predecessors), shall not be rejected where the

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beneficiaries were precluded from receiving the proceeds of the policy by reason of regulations or orders of the U.S. Government (i) by reason of the beneficiary being physically or mentally unable to present the claim, (ii) by the beneficiaries being unaware of their entitlement to the proceeds in question, or (iii) where the claim is not "stale" under general principles of equity.
(b) For the purpose of a claim by a General Agent under General Agency Agreements set forth in 32A CFR AGE–1 for reimbursement by the Maritime Administration on account of a timely payment made to a third party within a period of limitations running from the date the claim of the third party accrued, the period of limitations applicable to the General Agent shall run from the date of such payment. In all other cases involving claims arising under General Agency Agreements, including third-party claims, the policy provided in paragraph (a) of this section shall apply.
(c) Consideration of any claim governed by applicable regulations in this chapter II, including without limitation parts 272, 292, and 205 of this chapter, shall be controlled by the time limitations expressly provided for with respect to the submission of such claims.
(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114)
[G.O. 102, 34 FR 6928, Apr. 25, 1969]
Browse Previous

ABOVE SUPPORTS THE CONCLUSION THAT PERSONS ARE REGISTERD VESSELS UNDER TITLE 46, THAT THE ADMIRALTY JURISDICTION IS USED AS A MEANS OF IN REM SEIZURE; AGAINST THE VESSEL, THAT THESE FACTS ARE CONCEALED DUE TO 1939 INDENTURED TRUST ACT, AND USC 50; TRADING WITH THE ENEMY ACT, USC 26 IS NOT POSITIVE LAW, NOR IS USC 18, SINCE THEY ARE TRUST PROVISIONS COVERING THE NATIONAL SECURITIES – BIRTH CERTIFICATES AND CUSIP (EQUITIES) BONDS HELD IN THE DEPOSITORY TRUST COMPANY, RENDERING PEOPLE AS CHATTEL, BOUGHT AND SOLD ON THE INTERNATIONAL MARKETS, ALL IN VIOLATION OF INTERNATIONAL LAW, CONSTUTING TRAFFICKING IN SLAVES, ENTICEMENT INTO SLAVERY, CRIMES AGAINST HUMANITY, ETC.

YOUR DUTY TO THE AMERICAN PEOPLE AND THE WORLD IS CLEAR, REPENT AND DO THAT WHICH IS RIGHT.

A) RELEASE TRACY DEE ANN CORONA, VICTIM OF A USC 18 INDICTMENT, CURRENTLY BEING HELD IN DETENTION IN SAN DIEGO.
B) REVERSE ALL PREVIOUS CASES RELATING TO USC 18 VIOLATIONS
C) REVERSE ALL 26 USC CASES DEALING WITH INCOME TAXES
D) PROVIDE FULL DISCLOSURE, PUBLISHING SAID DATA IS NOT ENOUGH, SINCE THE UNITED STATES MAINTAINS A MONOPOLISTIC CONTROL OF THE EDUCATION SYSYTEM, THE CONCLUSION IS

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OBVIOUS; THIS IS RACKETEERING AND CONSPIRACY AT THE HIGHEST POSSIBLE LEVEL.

E) PROSECUTE ALL INVOLVED AFTER CORRECTING THE LEGAL OPINIONS OF ALL US JUDGES, ATTORNEYS, DEPARTMENT OF JUSTICE, TREASURY, US MARSHALLS ETC

SEE ATTACHED LIBEL, REPLEVIN AND STAY OF EXECUTION BOND FOR TRACY DEE ANN CORONA CASE # 04 CR 1298(BEN)-02 TO BE DELIVERED ASAP.

H/8

Failure to State A Claim Upon Which Relief Can Be Granted

As a defendant in a "criminal tax" case, you are not the complaining party, so what you say the law is can only infringe on the exclusive authority of the Court. The prosecutor is the one who tells the Court what the law of the case is and, it is the prosecutor who is the one moving under "presumption of law" because, the judge can not allow "facts" based in "law" regarding the Internal Revenue Code and, your "presumed" liability, to be presented to him in a complaint or, reach the jury, by a complaint, through the Court. If he does and, then allows the case to proceed, he has taken jurisdiction over a **"non-cognizable" claim.** If the prosecutor is forced, to identify in his complaint, the "law" that makes you liable for the "income tax" he is claiming you "didn't pay" (he never actually says you "owe" it), the court will have to dismiss the case for: **Lack of Jurisdiction or, Failure to State a Claim Upon Which Relief May be Granted.**

Why? Because of the Anti-Injunction Act and the Declaratory Judgment Act. According to these two Acts of Congress (who established the inferior courts) you have **no defense (no suit)** against an assessment or collection of **any tax** in **any court** and, **no remedy** in **any court of the United States** (for **Federal taxes**) because it is not cognizable as **a case of actual controversy** within that court's jurisdiction. The federal District Courts have no jurisdiction to hear the matter and, for that reason, anyone(INCLUDING THE PROSECUTOR) who brings a claim based on **"internal revenue"** has brought a claim on which the court cannot grant relief.

But, you say, then why are people being prosecuted in these courts, on charges involving internal revenue? People like Lynn Merideth and Simkanen? Because they made assertive claims and, affirmative defenses, based on what they perceived the law to be or, made judgments regarding the law and, its application to them. If that issue is to be judicially ruled on, that is the Court's job, not yours.

But there are two notable acquittals, after standing trial. Whitey Harrell in Illinois (State case) and, Venice Kuglin in Tennessee (Federal case). Why were they acquitted? Because they did not try to tell the court, what the law was, but put on a **Good Faith Belief defense that they had not violated a Known Legal Duty.** And, it was this known legal duty, which the prosecutors (in both cases) did not identify to the Court in their complaints or in open court and, the judges (in both cases) would not identify to the jury, when they requested it.

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But, if you want to take an affirmative defense that asserts your in depth knowledge of the law and, how it cannot possibly apply to you, your studied conclusions of law and, legal conclusions exhibit a conscious decision based on your belief that the law is unconstitutional (which is an infringement on the exclusive authority of the Court) or, that the federal government has no jurisdiction over you (which is totally asinine) and, will get you convicted, because you are making frivolous arguments or, didn't meet your burden of proof and, the prosecutor wins without ever having to prove his case, which was based on implied presumptions of law, which you relieved him from having to prove. He charged you, waited for your frivolous arguments and, with you as a willing accomplice, stole your presumption of innocence and, with your assistance, sealed your conviction, by "summary judgment" meaning, the merits of the prosecutions claims were "never adjudicated" because you unwittingly acquiesced. Which also means that case should never be allowed to be cited as precedent, because the merits of the complaint were never adjudicated?

SUMMARY

1. Your presumption of innocence in a criminal case is a matter of law, not fact and, you do not have to prove your innocence. The judge is obliged to so instruct the jury.

2. Because of this presumption of innocence, in a criminal case, you cannot be forced to testify, at trial. The judge is obliged to instruct the jury of that fact and, that they are not to draw any inference of guilt, because you elect not to testify.

3. The prosecution, in a criminal tax case is moving under a "presumption of law" and, has the burden of proving their presumption. Do not relieve the prosecution of that burden.

4. The federal courts, pursuant to the Anti-Injunction Act and, the Declaratory Judgment Act, (with few exceptions) cannot take **cognizance** of issues involving federal taxes. Both the judge and the prosecutor are fully aware of this.

5. When charged with a "tax crime" if you take the bait and, start trying to prove "anything" you have the burden of proof relative to your affirmative claims. From that point forward, the prosecutions presumptions are presumed valid (meaning you have acquiesced) and, the judge will focus the case on your burden of proof relative to your claims.

6. This strategy will result in your conviction, without the prosecution ever having to prove their presumptions.

7. A Good Faith Belief defense, that you have not violated any "Known Legal Duty" imposed by this title or, any other law, preserves your presumption of innocence and, keeps the burden of proof on the prosecution, to prove their presumptions of law and, your knowledge of that law, beyond a reasonable doubt and, failing to do so, "willfulness" is negated, which means acquittal.

8. In order to testify before the jury, at trial, in support of your Good faith Belief defense (which brings the law and facts on which **you** relied to the jury) and not be subjected to cross examination by the prosecutor on the merits of his attempt to "prosecute by presumption" (which he wouldn't dare question you on, except to try to discredit you) you will stipulate (without making admissions of guilt) to certain matters of his so-called evidence, so it doesn't have to be addressed. (Matters such as name, employment, income, expenditures, etc.)

9. This limits your testimony and, greatly limits any cross examination on your testimony, to the issues of your defense, which is not an affirmative defense of assertive claims relative to the prosecutions presumptions of law, but rather your Good Faith Belief that you have not violated any

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If genuine, this type of defense first accomplishes, primarily two things:

(1) It maintains your presumption of innocence; and

(2) It keeps the burden of proof on the prosecutor.

Will the prosecutor ever tell the Court what provision of the internal revenue code, imposed the "legal duty" on you to pay a personal federal individual income tax? No. Because if he does, he will have stated a claim on which the court cannot grant relief and, the judge will have to dismiss the case on that basis or, for lack of jurisdiction. Will the judge ever identify to the jury, the known legal duty? No. Because, that known legal duty is never actually presented to him in the complaint or, in open court. If the judge has never been presented with the "full" law of the case, by the prosecution, he can not give it to a jury, even if they request it. And, since you are not the complaining party, you are not authorized to do it either.

Bottom line is: In a criminal indictment, based on violations of the Internal Revenue Code, relative to personal federal individual income tax, the indictment **has not actually charged you with "ANY" crime.**

Both the prosecutor and the judge know this. That is why they will never identify the law that "made you liable" but the prosecution will move only on an"implied presumption" of:

1. A known legal duty (generally referred to as the Internal Revenue Code);
2. That created a known obligation (which is implied that everyone knows);
3. With which you have failed to comply (by not reporting all income on an IRS Form);
4. A presumption of guilt for that non-compliance;
5. And, based on those presumptions, they seek to punish you under the criminal provisions of the Internal Revenue Code, without citing the taxing provision violated.

See the following:

Anti-Injunction Act

TITLE 26 Subtitle F CHAPTER 76 Subchapter B

Sec. 7421. Prohibition of suits to restrain assessment or collection.

(a) Tax
Except as provided in sections 6015 (e), 6212 (a) and (c), 6213 (a), 6225(b), 6246 (b), 6330 (e)(1), 6331 (i), 6672 (c), 6694 (c), and 7426 (a) and (b)(1), 7429 (b), and 7436, **no suit** for the purpose of restraining the assessment or collection of any tax shall be maintained in any court by any person, whether or not such person is the person against whom such tax was assessed.
(b) Liability of transferee or fiduciary
No suit shall be maintained in any court for the purpose of restraining the assessment or collection (pursuant to the provisions of chapter 71)
of—
(1) the amount of the liability, at law or in equity, of a transferee of property of a taxpayer in respect of any internal revenue tax, or
(2) the amount of the liability of a fiduciary under section 3713 (b) of title 31, United States Code [1] in respect of any such tax.

Declaratory Judgment Act

TITLE 28 PART VI CHAPTER 151

§ 2201. Creation of remedy

(a) In a **case of actual controversy** within its jurisdiction, **except with respect to Federal taxes** other than actions brought under section 7428 of the Internal Revenue Code of 1986, a proceeding under section 505 or 1146 of title 11, or in any civil action involving an antidumping or countervailing duty proceeding regarding a class or kind of merchandise of a free trade area country (as defined in section 516A(f)(10) of the Tariff Act of 1930), as determined by the administering authority, **any court of the United States**, upon the filing of an appropriate pleading, may declare the rights and other legal relations of any interested party seeking such declaration, whether or not further relief is or could be sought. Any such declaration shall have the force and effect of a final judgment or decree and shall be reviewable as such.
(b) For limitations on actions brought with respect to drug patents see section 505 or 512 of the Federal Food, Drug, and Cosmetic Act.

When you read this Act backwards it says:

"...any court of the united states, with respect to federal taxes (except for those matters listed as exceptions) lacks jurisdiction, because it has not been presented with an actual case or controversy."

In other words, failure to state a claim upon which relief may be granted.

So, what do they do? They stack some criminal charges under Title 18 U.S.C (Criminal Code) in the first count(s) to try and usurp jurisdiction. But those criminal charges are also premised on the implied presumptions of violations of the Internal Revenue Code, listed above.

If you will read the USAM Title 6 and Title 9, you will see that both the IRS - Tax Division and, the United States Attorney - Department of Justice, are fully aware that the "legislative intent" of Congress is that all "tax crimes" be charged as "tax crimes" and that all "tax crimes" be punished under the **criminal provisions of the Internal Revenue Code.** You will also see that the Tax Division retains exclusive approval authority to bring criminal charges under Title 18 (i.e., Mail, Wire, and Bank fraud) "in addition to" but NEVER "in lieu of" a "tax crime" and, that approval will be issued only in rare cases. (They don't say what those rare cases are.) I strongly suspect it depends largely on the quality of representation by defense counsel or, if the poor fool is representing pro se.

In a criminal tax case, unless the prosecutor presents to the Court, in his complaint or, in open court, the **known legal duty** that the named defendant has actually violated in relation to the Internal Revenue Code, there can be no "in addition to" criminal acts, to be punished by the criminal provisions of the federal criminal code (Title 18) and, there is no lawful basis (i.e., violations of a "taxing provision" of the Internal Revenue Code) for "triggering" the criminal sanctions under the criminal provisions of the Internal Revenue Code.

Complaints, petitions, pleadings and papers must be filed in a court with **the authority** to adjudicate the issues and **grant the relief requested. Most purported precedents, habitually used in the federal system, are not valid.** Why?

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Because most cases quoted by US Attorney's, can best be identified as, **summary decisions.**

Summary decisions are those cases, which were dismissed **because the court lacked either jurisdiction, or the authority to grant the relief requested**.

The case was dismissed **without adjudication of the complaint.** Rather, the court ruled on the **affirmative defense motion** known as a **Lack of Jurisdiction** or **Motion to Dismiss for Failure to State a Claim Upon Which Relief May be Granted.** Remember, the court must have authority to determine the issues and grant the relief. If the court lacks the authority to do either, it doesn't have cognizance of the matter. In these cases the court only possessed sufficient **authority to determine its jurisdiction and/or authority,** which was **to rule on the motion before it.**

Absent a specific waiver for the action presented, (i.e., the listed exceptions) **all litigation regarding internal revenue matters is outside the purview of the court,** because of the exclusionary aspects of the Declaratory Judgment (28 USC §2201) and Anti-Injunction (26 USC §7421) Acts. The dismissal occurs because the **facts cannot be litigated in this court.** Therefore **thelegal question is all that is resolved.**

What legal question? Can **the complaint be litigated in light of the law? No.**

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RESEARCH Subject: OID ENFORCEMENT DOCUMENTATION – PARTIAL:

Of course the basic issue is clear, 31 USC is the authority for us to recover using these forms issued by IRS with the approval of the Office of management and budget.

A understanding of the history of the monetary system and the bankruptcy of the U.S. Government (the Corporation) that took place in 1933, is the key that unlocks the submission of the 1099-OID process for recovery of your property. Therefore, you must understand cash method debt instruments pursuant to the rules found in 33A American Jurisprudence 2d¶ 12430, 12415, 47A Corpus Juris Secundum and the Internal Revenue Code §§ 133, 134; as the Sponsor of the credit contracts, you have the right to fill out and process IRS Original Issue Discount forms a.k.a. 1099-OID's for tax settlement of such debt instruments pursuant to IRS Publications 1, 550, 1212 and 1220. If one does a personal research of Title 26 of the United States Code, section 1271, 1275, 33A of American Jurisprudence 2d, pages 695 thru 715, IRS Publication 1212, and the IRS instruction booklet for OID processing, you will find that we have lawful right to use such forms for property recovery. The fact is, the UNITED STATES GOVERNMENT must refund all credit back to the "people", we are the original issuers of credit pursuant to the contract agreement established under the legislative act of House Joint Resolution 192, 73Rd Congress, Session 1, Chapter 48, June 5, 1933 (Public Law No. 10).

Here are some facts that you need to have a understanding regarding a Corporate entity / Public Trust entity. There is a distinction between the real man/woman and the all capitalized name that the U.S. Government uses in collection or stealing of your property. Without this understanding, you are enslaved. This coming under the secretary of Transportation, registering all vessels of the UNITED STATES.

SOLUTIONS: A) REVESTING

B) ACCESSING THE TRUST INCREMENTALLY THROUGH EITHER DTC, FEDERAL RESERVE BANKS, BUREAU OF PUBLIC DEBT OR THE SEC

C) TOTAL COLLAPSE OF THE TRUST,

D) OFFSET ACCOUNTING METHODS USING FEDERAL ACCOUNTING STANDARDS, AND TTL PROCEEDURES, TO DISCHARGE CONTRACTURAL OBLIGATIONS THROUGH THE FEDERAL RESERVE SYSTEM.

BUT UNTIL TOTAL COLLAPSE OCCURS, NO FREEDOM FROM THE IMAGE CREATED OF THE US VESSEL.

CORPORATE ENTITY / PUBLIC TRUST ENTITY

- It is a fact that when two or more parties come together for some purpose there is by construction of law an aggregate corporate entity created; this is, of course, a fiction; Black's Law 8th Edition gives definition: "A corporation is an artificial being, invisible, intangible, and existing only in contemplation of law;" Corporations, whether chartered or unchartered, have two inherent characteristics: first, the corporation has perpetual succession (meaning that it doesn't die due to the actions of its participants), and second, it has limited liability for the payment of debts.

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- It is a fact that a typical corporation can be named after a real man or woman, however, the primary distinction of separation between the real man or woman and the corporate entity, is the all capitalized alphabet such as JOHN D. SMITH; for reference, the all capitalized alphabet name known as JOHN D. SMITH with social security account number 123-45-6789 is a Public Trust entity created in Puerto Rico by the corporation known as the UNITED STATES for use by the real man, John Doe Smith; upper / lower case name, which is the real man.

- It is a fact that the UNITED STATES is an offshore corporation following maritime law; the UNITED STATES CORPORATION was set up in Puerto Rico by the "Act of 1871" and it is not a part of the Union of the States; the "citizens" of Puerto Rico do not have a federal tax obligation, this tax obligation is only being enforced upon the "the people" of the Union of the States and all other federally owned territories for the use of their created corporate entity, such as the Public Trust named JOHN D. SMITH with account number 123-45-6789, which operates under what is called a franchise from the UNITED STATES.

- It is a fact that every man, woman and child that has had a birth certificate, naturalization papers, and/or a social security card issued to them from the UNITED STATES CORPORATION has had a Public Trust entity created to operate in commerce with other corporations.

- It is a fact that all of the corporate entities set up by the UNITED STATES CORPORATION in Puerto Rico have been established as trusts with perpetual succession and limited liability and are not chartered corporations, but when they interact with one another, they are called an 'association'.

- It is a fact pursuant to Black's Law Dictionary (4th Edition) that associations are an "unincorporated society; a body of persons united and acting together without a charter, but upon the methods and forms used by incorporated bodies for the prosecution of some common enterprise..., but will not include the state."

- It is a fact when corporate entities such as JOHN D. SMITH, JP MORGAN CHASE BANK, BANK OF AMERICA, CITI RESIDENTIAL LENDING, INC. or any other corporate entity act together to some common enterprise, they are classified as an association; the common enterprise under which they are operating is HJR 192, a Public Policy contract whereby they guarantee to one another that they will not collect a debt from each other because of the bankruptcy, but rather they will discharge all debt.

- It is a fact that discharge of debt is a function of bankruptcy under Admiralty law forum; this was defined in the famous court case *Stanek vs. White (172 Minn. 390, 215 N.W. 784)* which determined that: "There is a distinction between a 'debt discharged' and a 'debt paid'. When discharged the debt still exists though divested of its character as a legal obligation during the operation of the discharge. Something of the original vitality of the debt continues to exist which may be transferred even though the transferee takes it subject to its disability incident to the discharge. The fact that it carries something which may be consideration for a new promise to pay, so as to make an otherwise worthless promise a legal obligation, makes it the subject of transfer by assignment."

- It is a fact that when JOHN D. SMITH, JP MORGAN CHASE BANK, BANK OF AMERICA, CITI RESIDENTIAL LENDING, INC. or any other corporate entity entertain contracts one with another, then, since they have mutually agreed that they will not enforce debt payment of the contract under Public Policy HJR 192, but will discharge it into the future, they have "gifted" to

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one another a deferral which is not held to their charge because of the perpetual succession and limited liability under which they operate.

- It is a fact that when a "gift" is made, the "gift" tax liability falls on the donor under 26 USC 2502(d) quote: "When a gift is made, the gift to a donee, a "debt" to the United States for the amount of the gift tax is incurred by the donor."

- It is a fact that when JOHN D. SMITH discharges a contract (promissory note) to JP MORGAN CHASE BANK, BANK OF AMERICA, CITI RESIDENTIAL LENDING, INC. or any other corporate entity, he/she has GIFTED the value of the contract to the participant; the gift falls into the category of unjust enrichment, unless the tax matter is adjusted on the enrichment and such "income" is derived from any source.

- It is a fact that JOHN D. SMITH is the DONOR and JP MORGAN CHASE BANK, BANK OF AMERICA, CITI RESIDENTIAL LENDING, INC. or any other corporate entity is the DONEE.

- It is a fact that 26 USC 2502(d) states that when a "gift" is made, the gift tax liability falls on the DONOR.

- It is a fact that the UNITED STATES created the Public Trust entity known as JOHN D. SMITH with account # 123-45-6789 and it is a "transmitting utility" or a conduit for the real man, John Doe Smith to operate in commerce with corporations.

- It is a fact that if John Doe Smith uses JOHN D. SMITH with account # 123-45-6789 to transact commerce in the public forum with other corporations such as JP MORGAN CHASE BANK, BANK OF AMERICA, CITI RESIDENTIAL LENDING, INC. or any other corporate entity, then John Doe Smith has the liability to settle the "gift" tax.

- It is a fact that in order to settle the Public Trust account JOHN D. SMITH, the transaction matter must be handled by John Doe Smith, the real man, on the private side of the ledger where the asset or surety actually exists.

- It is a fact each fiscal year, the accounting firm and/or collection agency for the UNITED STATES CORPORATION headquartered in Puerto Rico (Trust # 62) known as the IRS comes to the man/woman, in this specific case, John Doe Smith, to settle the "gift" tax and/or income tax for his/her public entity; the IRS asks the real man/woman, which is the Sponsor of the Credit, to supply the IRS information on the 1040 "Return (of interest to principal)" so that the IRS can settle the public debt that has been created by the Public Trust entity JOHN D. SMITH with account # 123-45-6789;.

ORIGINAL ISSUE DISCOUNT

- It is a fact that Original issue refers to the product of a man or woman's labor; if the man or woman who creates the issue is not under a legal obligation or lien, then the product is free of any public liability and hence un-alienable.

- If the man or woman produces true original issue and wants to bring it to the public in exchange for some benefit or product, then he/she can do one of two things: One, he/she can register the issue into the commercial registry for the exemption; the exemption demonstrates that the sale of the issue cannot be taxed as it is exempt as the public accounts recognize the man/woman as the sponsor of the credit which created the funds to purchase the issue OR, Two, which is

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the most common practice, he/she can simply offer the issue to the public, and upon purchase he/she can pay the tax; by paying the tax on the transaction, he/she is deferring the settlement until the end of the fiscal year; at the end of the fiscal year he/she can either defer it into the next fiscal year by claiming a deduction or deferral on a 1040 form since he/she has already paid the tax; if he/she tries to claim the deferral but has not paid the tax, then he/she is considered to be a tax fugitive who is withholding public funds, and the accounting firm and/or collection agency for the public, the IRS, will seek payment for the funds;

- It is a fact that all public debts must be settled on the private side; the only real value is held privately by real men and women; the public / corporations "operates" in the fiscal year which is 360 days and the man and/or woman works privately on a calendar year that is 365 days; in order to close out the fiscal year it must be taken into the private side for final resolution or else the public debts cannot be resolved and must be carried over into the next fiscal year and the debt just keeps rolling on from year to year.

- If one wants to settle the tax debt for the public entity in the name of JOHN D. SMITH with account # 123-45-6789, he/she must fill out a 1099-OID informing the IRS where to send the interest for settlement; this form 1099-OID has to be filed into the calendar year to the man, the real sponsor of the credit, so that the escrow which was opened on January 1 can be closed on December 31.

- It is a fact that the IRS form 1099-A verifies and validates who is the lender (Creditor) and the borrower (Debtor) of a transactions made between associations.

<u>This is base understanding one must have in why you can and should use the 1099-OID and 1099-A for recovery of your credit property. It is a "gift" tax if you do not recover it</u>.

For those who know the Prince of Peace, KING Yahshua, the fight is not ours, it is His and we are but instruments in His hand to help awaken the millions who are suffering under the slavery of the bankers. As your friend in Christ, I would counsel you to read Daniel 2. It reveals the dream of Nebuchadnezzar, a picture of the world systems and the end result. See specifically Daniel 2: 44-45! You see, the TRUTH of the credit system we have today, in reality is a blessing. Our debt has been paid in full since 1933, unfortunately, you, your parents and grandparents were never told this fact by the Federal Government. Why, because as long as those who keep this knowledge from the people, they (those in federal offices of the corporation called the UNITED STATES) have an open check book for borrowing credit/funds from the private bankers and you & I pay the tax. And so, the curse as proclaimed in Hosea 4:6 continues to be fulfilled.

The fact of Truth is: your mortgage, your car note, your light bill, your food, everything that you purchase with your credit is a tax. In understanding what took place in 1933, the Corporate entity that was created, as real men and women, you can overcome the Beast System. We must stand firm in our position! The OID is our remedy to get out from under debt slavery! The IRS is doing the best to breach this gap by playing the administrative game of submission by threat and/or Acquiescence. They are famous for their lies and attacks on the ignorance of the people. We have been plundered and many are awaking to the fact of becoming homeless in this time of government change. Our forefathers warned us of this danger and we individually and collectively have done nothing! See the quotes from men who lead our nation at http://www.themoneymasters.com/quotations.htm .

There is written law both State and Federal available to recover our property, however, you and I must enforce it. We are the "people" and with God's help in Truth must make our stand. This is prime time as the States have open the door since the Obama administration took office. You see, within the last three months approximately 33 States have openly declared their sovereignty. See this youtube report: http://www.tenthamendmentcenter.com/2009/04/14/states-fight-back/

You say, what does declaration of State Sovereignty have to do with the OID process? Everything at this point, the door of using the Bill of Rights 10th Amendment, we are well able to shake off these federal chains of deceit in the State Court systems with class action lawsuits. The U.S. Government and the IRS are out of control in attacking the people and the States recognize this open fact. The national Tea Parties that have taken place show demonstration how many "people" feel. Unfortunately, most do not have the Truth, nor how to fight their battle.

More videos identified below; explaining the situation, plus the fact the ss card gives us the security cusip number which represents the security behind the trust. As creditor we are entitled to repayment with interest.

http://video.google.com/videoplay?docid=-1054706869308133588 PUBLIC MONEY VS PRIVATE CREDIT

Tthe trust is secret and codified as such by the 1939 INDENTURED TRUST ACT .

Further the TRADING WITH THE ENEMY ACT, 50 USC has been used to declare American citizens as enemies of the state, requiring that enemies not be told national secrets.

The scheme involves the BUCK ACT, creating a corporate state overlay of the dejure states.

The scheme is also convoluted further by the treaties of social security with the Queen, the International Business Organizations Act, giving immunity to all international business associations, and creating corpoarte policy as a 4th branch of government. Not to mention the surrender of national sovereignty to the UNITED NATIONS.

THE SCHEME IS THE PRACTICAL ELIMINATION OF THE CONSTITUTION OF THE UNITED STATES, AND HAS PRODUCED COLOR OF LAW" ADMINISTRATIVE COURTS"

1. We must resist with the same trump card that the IRS plays. **"Administrative Process"** -- NOTE: Just yesterday, through a local friend, God revealed all the corporate leadership positions of the IRS – see PDF attached. *Thanks JC...* This puts us in position to lay the AX at the root of the tree. Knowing real Parties of Interest is critical in achieving resolution.

2. We must use the written laws with Affidavits and time constraints for answers. – NOTE: The IRS plays on the ignorance of the people under the color of law. We must put them on notice of the violations of law before we have right to file grievances.

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3. We must united in this effort! How??? We must file class action lawsuits in every State using the same grievances. This must be controlled and coordinated!

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TITLE 31 TREASURY

TITLE 31 > SUBTITLE III > CHAPTER 31 > SUBCHAPTER I > § 3113
§ 3113. Accepting gifts

(a) To provide the people of the United States with an opportunity to make gifts to the United States Government to be used to reduce the public debt—

(1) the Secretary of the Treasury may accept for the Government a gift of—

(A) money made only **on the condition that it be used to reduce the public debt;**

(B) an obligation of the Government included in the public debt made only on **the condition that the obligation be canceled and retired and not reissued; and**

(C) other intangible personal property made only on the condition that the property is sold and the proceeds from the sale used to reduce the public debt; and

(2) the Administrator of General Services may accept for the Government a gift of tangible property made only on the condition that it be sold and the proceeds from the sale be used to reduce the public debt.

(b) The Secretary and the Administrator each **may reject a gift under this section when the rejection is in the interest of the Government.**

(c) The Secretary and the Administrator **shall convert a gift either of them accepts under subsection (a)(1)(C) or (2) of this section to money on the best terms available.** If a gift accepted under subsection (a) of this section is subject to a gift or inheritance tax, the Secretary or the Administrator may pay the tax out of the proceeds of the gift or the proceeds of the redemption or sale of the gift.

(d) **The Treasury has an account into which money received as gifts and proceeds from the sale or redemption of gifts under this section shall be deposited. The Secretary shall use the money in the account to pay at maturity, or to redeem or buy before maturity, an obligation of the Government included in the public debt. An obligation of the Government that is paid, redeemed, or bought with money from the account shall be canceled and retired and may not be reissued. Money deposited in the account is appropriated and may be expended to carry out this section.**

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TITLE 31 TREASURY

(e)

(1) The Secretary shall redeem a direct obligation of the Government bearing interest or sold on a discount basis on receiving it when the obligation—

(A) is given to the Government;

(B) becomes the property of the Government under the conditions of a trust; or

(C) is payable on the death of the owner to the Government (or to an officer of the Government in the officer's official capacity).

(2) If the gift or transfer to the Government is subject to a gift or inheritance tax, the Secretary shall pay the tax out of the proceeds of redemption.

TITLE 31 > SUBTITLEIII > CHAPTER 31 > SUBCHAPTER II > § 3128
§ 3128. Proof of death to support payment

A finding of death made by an officer or employee of the United States Government authorized by law to make the finding is sufficient proof of death to allow credit in the accounts of a Federal reserve bank or accountable official of the Department of the Treasury in a case involving the transfer, exchange, reissue, **redemption**, or payment of obligations of the Government, including obligations guaranteed by the Government for which the Secretary of the Treasury acts as transfer agent.

#21

Was HJR-192 Repealed?©

"Was HJR-192 repealed?" First of all, "HJR-192" is the short name for "House Joint Resolution 192", so let's understand what a "resolution" is. A New Year's resolution applies to you, the one who made it, not to your next-door neighbor or anyone else. You're the one who "resolved" to lose weight or quit smoking or exercise more, and your neighbor is not obligated to do what you resolved for yourself. "HJR-192" is strictly a resolution that applies only to the member s of Congress (who "resolved" it) and to its subjects. It can be modified at anytime by Congress if they so choose, just as you can modify your New Year's resolution if you so choose.

However modifying a Public Law is a little different matter. The law in this instance, per the actual "Statutes at Large" books, is identified as: "Chap. 48, 48 Stat. 112 contains the very same wording as "HJR-192"; however, one is a resolution and one is a Public Law.

If I refer to "HJR-192", am I not telling the listener or reader that I am a **subject of Congress**, and that I am a **citizen of the UNITED STATES??** Sorry, but that is the last thing I want to say. I can, however, say that the Federal Government has placed insufficient amounts of lawful money in general circulation, i.e., gold and silver coinage, thus, forcing me to "discharge" my debts with commercial paper, i.e., putting them off to a future point in time, and restricting my obligation as a sovereign to "pay" a debt.

I refer to the Federal Government's obligation to me as: "Chap. 48, 48 Stat. 112", **not** "HJR-192". The Federal Government took away my ability to pay a debt with lawful money, but **that doesn't make me a subject of Congress** or of the Federal Government, and thus, their resolution does not apply to me. However, their obligation to me under their Public Law does apply to me because there is insufficient lawful money in general circulation to meet the needs of the people, which includes me.

When the Federal Government took much of our lawful money out of general circulation in 1933, i.e., gold coins, thus leaving an insufficient amount of lawful money in general circulation to meet the needs of the people, i.e., only **Public Law: "Chap. 48, 48 Stat. 112" is that remedy.** It states that the Federal Government will pay my debts, dollar for dollar. **Note:** It doesn't say that the government will pay for anything I desire to buy (like a car), only that it will pay my legitimate debts.

Most, if not all, of the State constitutions require the State to pay its debts in gold and silver coin. By taking away a State Government's ability to comply with it's Constitutional mandate of paying its debts in gold and silver coin, the Federal Government involuntarily restricted a State Governments ability to function in a de jure capacity. The de jure States went into **suspension** after the following four acts were committed: (1) the taking of gold coins out of general circulation in 1933, (2) in 1964, the U.S. Mint ceased minting any more silver coins, (3) in 1968, Silver Certificates could no longer be redeemed for silver, and (4) on August 15, 1971, President Nixon closed the

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Gold Window, thus stopping the redemption of foreign-held dollars for gold. At that point in time, the U.S. Dollar was backed solely by the full faith and credit of the American people, **and** the States could no longer function in a de jure capacity while in a state of suspension.

The States went into **suspension** because the Federal Government involuntarily forced the State to pay its officer, judges, employees, etc. with something other than gold and silver coin, which was required by the State Constitution. This "something other than gold and silver coin" was nothing more that "fiat" money, or script, back by nothing but the labor of the people. Thus, Constitutionally, the States could no longer function in a de jure capacity because it no longer had the ability to pay its debts in the form mandated by its Constitution, i.e., contract with the people.

Since the Federal Government took away the gold coin money in 1933, thus causing the States to suspend operations by preventing them from honoring their obligation to pay their debts in gold and silver coin, then there had to be a remedy. **"Chap 48, 48 Stat. 112" is the remedy,** not just for the States, but also for the sovereign men and women who created the States. Until gold and silver coinage is reinstated in sufficient quantities for general circulation, that remedy cannot be repealed. Congress may have repealed some parts of "HJR-192", or even all of it, because "HJR-192" is merely a resolution for Congress and its subjects. However, the true remedy is provided to the people by Public Law "Chap 48, 48 Stat. 112".

Until the State Governments come out of suspension, by the Federal Government's placing sufficient quantities of lawful money into general circulation, your remedy, pursuant to "Chap 48, 48 Stat. 112" cannot be repealed and will continue to be there. The remedy of the subjects/citizens found at "HJR-192" might not be there because their remedy is nothing but a resolution but the remedy of the sovereign found at Public Law**: "Chap 48, 48 Stat. 112" will still be there because a sovereign's remedy is Public Law.**

f, as many uniformed sovereigns claim, the promise that the Federal Government will pay your debts, dollar for dollar, is no longer valid, then these sovereigns have no basis for claiming their remedy by using the 1099-OID process for the refund out-of pocket funds expended to pay their debts. Either (1) you believe that the Federal Government repealed your remedy and therefore, there is no 1099-OID refund process available to you, or (2) you believe the Government has an obligation to pay your debts, dollar for dollar, and therefore, the 1099-OID process for a refund is your remedy and you can use it to recover the funds you expended to take care of your debt obligations. You can't believe your remedy has been repealed, and then try to claim ou remedy by asking for a refund using the 1099-OID process.

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LEGAL NOTICE OF CHANGE IN DOMICILE/CITIZENSHIP RECORDS AND DIVORCE FROM THE "UNITED STATES" FORM INSTRUCTIONS

Last revised: 4/9/08

1. **PURPOSE:**

1.1. To allow people to legally, politically, and commercially completely divorce the state and government they were born in without expatriating or abandoning their nationality and becoming an alien on every country on earth.

1.2. To facilitate becoming a sovereign individual immune from the jurisdiction of state and federal courts in your state.

1.3. To become a "nontaxpayer" not subject to any part of the Internal Revenue Code.

1.4. To become a "de facto stateless person" without giving up one's nationality. This condition is described in the Social Security Program Operations Manual System (POMS), Section

RS 02640.040 Stateless Persons

A. DEFINITIONS

There are two classes of stateless persons:

- *DE JURE—Persons who do not have nationality in any country.*
- *DE FACTO—Persons who have left the country of which they were nationals and no longer enjoy its protection and assistance. They are usually political refugees. They are legally citizens [really they mean NATIONALS, not statutory CITIZENS] of a country because its laws do not permit denaturalization or only permit it with the country's approval.*

B. POLICY

1. De Jure Status

Once it is established that a person is de jure stateless, he/she keeps this status until he/she acquires nationality in some country.

Any of the following establish an individual is de jure stateless:

a. a "travel document" issued by the individual's country of residence showing the:
- *holder is stateless; and*
- *document is issued under the United Nations Convention of 28 September 1954 Relating to the Status of Stateless Persons. (The document shows the phrase "Convention of 28 September 1954" on the cover and sometimes on each page.)*

b. a "travel document" issued by the International Refugee Organization showing the person is stateless.
c. a document issued by the officials of the country of former citizenship showing the individual has been deprived of citizenship in that country.

2. De Facto Status

Assume an individual is de facto stateless if he/she:

a. says he/she is stateless but cannot establish he/she is de jure stateless; and
b. establishes that:
- *he/she has taken up residence outside the country of his/her nationality;*
- *there has been an event which is hostile to him/her, such as a sudden or radical change in the government, in the country of nationality; and*
  NOTE: In determining whether an event was hostile to the individual, it is sufficient to show the individual had reason to believe it would be hostile to him/her.
- *he/she renounces, in a sworn statement, the protection and assistance of the government of the country of which he/she is a national and declares he/she is stateless. The statement must be sworn to before an individual legally authorized to administer oaths and the original statement must be submitted to SSA.*

De facto status stays in effect only as long as the conditions in b. continue to exist. If, for example, the individual returns [changes his/her domicile, NOT physically returns] to his/her country of nationality, de facto statelessness ends.
[SOURCE: Social Security POMS Manual, Section RS 00246.040
https://s044a90.ssa.gov/apps10/poms.nsf/lns/0302640040]

2. **REASON WHY THIS DOCUMENT IS NECESSARY:**
   2.1. There is no form or procedure published by any government agency or website that accomplishes what this document accomplishes. The government doesn't want you to know you can do this, but you have a legal right to.
   2.2. We have found no form available from any private organization or individual that accomplishes what this form accomplishes. The evidence and facts contained in this Legal Notice protect and preserve your Constitutional and religious Rights in a way that no other approach we are aware of can.
   2.3. People and organizations who offer similar techniques for divorcing the state typically do so incorrectly and in a way that unnecessarily undermines the rights of the party, using expatriation. Expatriation is defined as the process of abandoning nationality and allegiance. Expatriation is completely unnecessary to do in order to become a "transient foreigner" or "stateless person" immune from the civil jurisdiction of courts in your state. Domicile, not citizenship, is where nearly all of the government's civil jurisdiction originates from. An example of a group that incorrectly asserts that "expatriation" is necessary is the Minnesota Common Law Court. You can see an example of their "Cancelatura", which attempts unsuccessfully to accomplish purposes similar to this form through expatriation, available at:
   http://www.commonlawlibrary.com/
3. **PROCEDURE FOR USE:**
   3.1. This form has the effect of creating dual citizenship: 1. In the country and Republic of your birth; 2. In Heaven. It also makes one of the two citizenships subordinate to the other. You may therefore benefit from reading the dual citizenship questions and answers found on the internet at the address below:
   http://www.richw.org/dualcit/
   3.2. The form is electronically fillable with the free Adobe Acrobat Reader available below. Please download and install the latest version of the program.
   http://www.adobe.com/products/acrobat/readstep2.html
   3.3. If you have the full version of Acrobat in stead of the free Reader, you can also save copies of the form containing all the values you typed in each field.
   3.4. Download the enclosures off the Internet:
      3.4.1. Enclosure (3): FS-581 – Questionnaire Information for Determining U.S. Citizenship, available at:
      http://famguardian.org/TaxFreedom/Forms/Emancipation/AmendCitizenship.htm
      You may obtain a useful example of how to fill it included within the ZIP file that contains this file.
      3.4.2. Enclosure (5): Why Domicile and Becoming a "Taxpayer" Require Your Consent, available as Form 05.002 at:
      http://sedm.org/Forms/FormIndex.htm
      3.4.3. Enclosure (7): Why you are a "national" or "state national" and not a "U.S. Citizen"; available as form 05.006 at:
      http://sedm.org/Forms/FormIndex.htm
   3.5. Fill out Enclosure (3) and sign. Use the example provided on the internet address where you got the form.
   3.6. Fill in the return address and date on the cover letter with yours.
   3.7. Fill in the names of the Secretary of State of the United States on the first page of the letter.
   3.8. Fill in the name of the Attorney General of the United States on the first page of the letter.
   3.9. Obtain a certified copy of your birth certificate from the county recorder where you were born and attach behind the title page of Enclosure (1). You can obtain this document from the following link:
   http://www.vitalchek.com/
   As an alternative to getting a NEW certified copy, you can have a notary copy the copy you already have and certify THAT copy.
   3.10. There are a third and fourth entry for addressee on the cover letter. This would usually be the Secretary of State for your state in the third item and the attorney general of your state in the fourth entry. You can find the name and address of this person in the case of your state by visiting the address below, and then enter it on the cover of the letter:
   http://famguardian.org/TaxFreedom/LegalRef/StateLegalResources.htm
   3.11. Fill in the name at the end of the cover letter.
   3.12. Print out the document on double-sided paper to keep the size down.

3.13. Find a Postal Annex or Mailboxes etc. that has two people on duty, one of which is a notary and the other the Mail Server who will mail the item and complete the Certificate of Service in Section 10.

3.14. In the presence of the Notary and using blue (not black) ink, sign section 6 of the document and then have the notary notarize your identity.

3.15. Have the Mail Server fill out the attached Certificate of Service and sign it. Make sure item 2 includes the addresses where the items are mailed, as indicated in the Cover Letter.

3.16. Have the Notary fill out the Notary Public Jurat at the end of the Certificate of Service, which authenticates the identity of the Mail Server.

3.17. Make six copies of the entire package, including:

3.17.1. Cover letter

3.17.2. All enclosures.

3.18. Have the Mail Server put the four *copies* into the four envelopes as follows:

3.18.1. Two copies in the envelope going to the Secretary of State of your state. One copy is for them to keep and the second one is for them to apostille and send back to you.

3.18.2. One copy in the envelope going to the Attorney General of your state.

3.18.3. Two copies in the envelope going to the Secretary of State of the United States. One copy is for them to keep and the second one is for them to apostille and send back to you.

3.18.4. One copy in the envelope going to the Attorney General of the United States.

3.19. Keep the original for yourself.

3.20. Wait until the apostilled version comes back from the Secretary of State of your State and the Secretary of State of the United States. You also might want to make one copy of the apostilled version and record it with the County Recorder so that it becomes a public record which is automatically admissible as evidence in any court trial. The reason is that under Federal Rule of Evidence 902, public records are not subject to the Hearsay Rule.

3.21. This document also incorporates in section 9.1 a request to have the document apostilled. This process makes the document the highest form of legal evidence available. This is important as a way to obtain legally admissible evidence of your status that you can use and admit in any court of law as evidence. If the Secretary of State of the United States or of your State do not honor the request in section 9.1 and refuse to apostile the document, you wish to try again using the following procedure:

3.21.1. Make two more copies of the package.

3.21.2. Read our document on apostiles so you can find out how it works:
Apostille of Documents, Form #09.006
http://sedm.org/Forms/FormIndex.htm

3.21.3. Write a short cover letter explaining what you want.

3.21.4. Mail the original and one copy to the Secretary of State of your state asking them to apostile the document and return both documents to you promptly.

WARNING: Some of our readers have reported that the Secretary of State of their State has received communication from the Secretary of the State of the United State instructing them NOT to apostile this document. They are doing this because this document is very effective at accomplishing the purposes it was intended for and the government wants to avoid the severe adverse consequences to them of handing you this key to your chains as one of their indentured slaves. For such a case, please communicate to us as much evidence as you can obtain of the government's efforts to interfere with developing evidence of your sovereignty and citizenship by doing a FOIA for a copy of the communication received by the Secretary of State of your State and then either faxing it to us or preferably PDFing it and emailing it to us so we can use this as evidence of violation of rights by the government. Thanks!

3.22. We always want to improve the quality of the information we offer on our website and feedback helps with that improvement. If you receive a negative or derogatory response from the government to this form, we would appreciate if you would fax the response to the fax number on our Contact Us page.

4. **PROTECT YOUR LEGAL EVIDENCE.** Keep the original in a safe place locked up, preferably away from your house so that it may not be seized. Also, scan it in as a full color PDF and make backups you keep in several locations. One of the first things a judge will do if you want the document admitted as evidence in a legal trial is ask about the chain of custody of the document and whether it has remained under your own control at all times so that there is an assurance that it was not tampered with. See the free article Techniques for Building a Good Administrative Record available below for further details:
http://sedm.org/ItemInfo/RespLtrs/AdminRecord/AdminRecord.htm

5. **FURTHER READING AND RESEARCH:**
The following documents will help you preserve the sovereignty established or re-established by this document:

5.1. *Sovereignty Forms and Instructions, Step 3.13: Correct government records documenting your citizenship status;*

http://famguardian.org/TaxFreedom/Instructions/3.13ChangeUSCitizenshipStatus.htm

5.2. *How to Apply for a Passport as a "national"*:
http://famguardian.org/Subjects/Taxes/Citizenship/ApplyingForAPassport.htm

5.3. *USA Passport Application Attachment*, Form #06.006. Use this attachment to protect your sovereign status when applying for a U.S.A. passport.
http://sedm.org/Forms/FormIndex.htm

5.4. *Voter Registration Attachment*, Form #06.007. Attach to voter registration to prevent waiver of sovereign immunity.
http://sedm.org/Forms/FormIndex.htm

5.5. *Tax Form Attachment*, Form #04.013: Use this form whenever you submit a tax form to prevent compromising your status.
http://sedm.org/Forms/FormIndex.htm

5.6. *Federal Enforcement Authority within States of the Union*, Form #05.032. Proves that the federal government has no enforcement authority in states of the Union over anyone other than government entities and instrumentalities.
http://sedm.org/Forms/FormIndex.htm

5.7. *About SSNs/TINs on Government Forms and Correspondence*. Free memorandum of law that explains the nuances of using SSNs and TINs on government forms and correspondence.
http://sedm.org/Forms/FormIndex.htm, Form #05.012.

5.8. *Citizenship and Sovereignty Course*, Item #2.2:
http://sedm.org/LibertyU/LibertyU.htm

5.9. *Developing Evidence of Citizenship Course*, Item #2.3
http://sedm.org/LibertyU/LibertyU.htm

5.10. *Sovereignty Forms and Instructions Manual*, Form #06.003. Free Adobe Acrobat ebook on how to become sovereign.
http://sedm.org/Forms/FormIndex.htm

5.11. *Sovereignty Forms and Instructions*: How to become sovereign.
http://famguardian.org/TaxFreedom/FormsInstr.htm

5.12. *Laws of the Bible*, Form #05.028. Memorandum of law that details all the laws that you are now exclusively and only subject to after sending in this document.
http://sedm.org/Forms/FormIndex.htm

5.13. *Wrong Party Notice*, Form #07.002. Free form you can use if the government tries to address you using the Social Security Number after you have ended compelled participation in the system.
http://sedm.org/Forms/FormIndex.htm

5.14. *Socialism: The New American Civil Religion*, Form #05.016. Free electronic book about how socialism is taking over the American body politic in fulfillment of Biblical prophesy. Available from:
http://sedm.org/Forms/FormIndex.htm

5.15. *Social Security: Mark of the Beast*. Free electronic book containing detailed legal research into Social Security. Available from:
http://famguardian.org/Publications/SocialSecurity/TOC.htm

TO:

Secretary of State
U.S. Department of State
2201 C Street NW
Washington, DC 20520.

Registered/Certified Mail #: _____

Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Registered/Certified Mail #: _____

Registered/Certified Mail #: _____

Registered/Certified Mail #: _____

DECLARATION OF INTENTION TO CHANGE DOMICILE/CITIZENSHIP AND DIVORCE THE "UNITED STATES"

Enclosures:

1. Certified copy of Certificate of Naturalization by Notary or Certified Copy of Birth Certificate (certified by Notary stamp at the end of this letter)
2. Affidavit as Oath of Allegiance Pursuant to 8 U.S.C. §1452(b)(2).
3. FS-581 – Questionnaire Information for Determining U.S. Citizenship

4. Declaration of Personal Independence
5. Why Domicile and Becoming a "Taxpayer" Require Your Consent
6. Copy of last U.S. passport (optional)
7. Why you are a "national" or "state national" and not a "U.S. Citizen"

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Dear Sir/Mam:

1. PURPOSE OF THESE DOCUMENTS

This Declaration of Intention and the attachments each provide reasonable and formal legal notice of an important change in legal status and the legal relation between the submitter and the recipient which needs to become a permanent part of the government's records. This Declaration of Intention and the attachments hereto:

1. Constitutes a request to do all the things documented in section 9 later.
2. Constitutes a Declaration of Intention to permanently change domicile to without the "United States" and to abandon ***statutory*** "U.S. citizen" status pursuant to 8 U.S.C. §1401 but not ***constitutional*** citizenship.
3. **Does not** constitute a request to abandon my nationality or **constitutional** citizenship, but to abandon any presumed **statutory** citizenship and/or domicile on federal territory pursuant to 8 U.S.C. §1401. If you are uncertain about the distinctions between statutory and constitutional citizenship, please refer to Section 2 later and Enclosure (7) attached before proceeding.
4. Constitutes a request to update all records about me that may be in your possession which describe either my citizenship or my legal domicile by all of the following entities
   - 4.1. The government of the United States.
   - 4.2. Every state of the Union.
   - 4.3. The state of the Union in which the submitter maintains a transient place of abode.
   - 4.4. You as the recipient.

The authority for submitting this document to you was described by the U.S. Supreme Court, which said on this subject:

> ***"This right of domicile [. . .] is not established unless the person makes sufficiently known his intention of fixing [or NOT fixing] there, either tacitly or by an express declaration."***
> *[Fong Yu Ting v. United States, 149 U.S. 698 (1893)]*

This document therefore constitutes an "express declaration" or "declaration of intention" of my political intentions into perpetuity in relation to both the "United States" as well as every state of the Union. As an agency that must keep track of and interface with foreigners domiciled anywhere within your jurisdiction and who therefore have volunteered to be subject to your civil laws, you are the proper party to receive this Legal Notice. Notice to the agent is notice to the principle. Please copy and distribute the paper only version of this document to all interested parties within your government agency and other government agencies who might require this information in order to update their records to properly reflect my change of status.

If you believe that I have sent this document in error to an improper party, then please promptly notify me of same and provide the following information necessary to direct it to the proper parties:

1. The department or agency, address, and name of the improper party appearing at the beginning of this correspondence.
2. The department or agency, address, phone, email, and name of the proper party to replace the improper party.
3. The statute and implementing regulation that delegates authority to the agency or bureau you are directing me to for assistance.
4. The government publication and delegation of authority order that delegates authority to the agency or bureau you are directing me to for assistance

Please do NOT leave me hanging, by telling me that you can't service this request, without ALSO telling me WHO can within the governmental unit you are part of. Such an indifferent response certainly could not be truthfully classified as "public service" in relation to a member of the public, such as myself.

I have a personal knowledge as a witness of the truthfulness and accuracy of all the facts described in this Declaration of Intention and consistent with 28 U.S.C. §1746(1), have verified same with a notarized signature at the end. You are personally in receipt of this notice because not only are you the person responsible for the records which need to be

modified and the actions which are requested to be taken on your part, but also because you will become the person responsible as a public official if the actions requested are not taken and injury results to me personally because of omissions on your part or breach of your oath.

This political, legal, and commercial divorce from the "government" but not the "state" instead represents a decision to maintain dual citizenship: 1. Citizenship in the Kingdom of God; 2. Citizenship in the country of my birth. It also defines and prescribes that:

1. Citizenship in the country of my birth is ***subordinate to***, and inferior to my citizenship in Heaven and all the legal obligations arising from it under God's Law found in the Holy Bible.
2. My earthly allegiance to the "state", which is the Sovereign people (We The People) and ***not*** the de facto "government" that serves them, is ***secondary*** to that of my Lord, Savior, Lawgiver, and Judge, Jesus Christ and His laws. Since Jesus Christ says I can serve ONLY God and not any man, then I can only obey God's laws and not any vain substitute for His laws written by any ruler or legislator:

> *"Away with you , Satan! For it is written, 'You shall worship the Lord your God, and Him ONLY [NOT our SERVANTS in government!] you shall serve.'"*
> *[Matt. 4:10, Bible, NKJV]*

3. The voluntary decision to abandon all man-made domiciles and surrender exclusively to God's authority and His Holy Law documented herein is an act of religious worship in satisfaction of the tenets of my religious faith. The recipient is reminded that the First Amendment to the United States Constitution prohibits any government, state or federal, from interfering with the free exercise of my religious beliefs, including those practices which completely remove and destroy all legal connections between me and the government or state.

This document therefore describes an act of political and legal ***disassociation*** which is a fulfillment of my right to freely associate and to be free from the compelled association with persons, governments, and laws which I view as harmful to my best interests and that of my family and friends.

> *"The right to associate or not to associate with others solely on the basis of individual choice, not being absolute, may conflict with a societal interest in requiring one to associate with others, or to prohibit one from associating with others, in order to accomplish what the state deems to be the common good. **The Supreme Court, though rarely called upon to examine this aspect of the right to freedom of association, has nevertheless established certain basic rules which will cover many situations involving forced or prohibited associations.** Thus, where a sufficiently compelling state interest, outside the political spectrum, can be accomplished only by requiring individuals to associate together for the common good, then such forced association is constitutional. [1] **But the Supreme Court has made it clear that compelling an individual to become a member of an organization with political aspects [such as a GOVERNMENT], or compelling an individual to become a member of an organization which financially supports, in more than an insignificant way, political personages or goals [using voluntary donations deceitfully called "TAXES"] which the individual does not wish to support, is an infringement of the individual's constitutional right to freedom of***

[1] Lathrop v. Donohue, 367 U.S. 820, 81 S. Ct. 1826, 6 L. Ed. 2d 1191 (1961), reh'g denied, 368 U.S. 871, 82 S. Ct. 23, 7 L. Ed. 2d 72 (1961) (a state supreme court may order integration of the state bar); Railway Emp. Dept. v. Hanson, 351 U.S. 225, 76 S. Ct. 714, 100 L. Ed. 1112 (1956), motion denied, 351 U.S. 979, 76 S. Ct. 1044, 100 L. Ed. 1494 (1956) and reh'g denied, 352 U.S. 859, 77 S. Ct. 22, 1 L. Ed. 2d 69 (1956) (upholding the validity of the union shop provision of the Railway Labor Act).

The First Amendment right to freedom of association of teachers was not violated by enforcement of a rule that white teachers whose children did not attend public schools would not be rehired. Cook v. Hudson, 511 F.2d 744, 9 Empl. Prac. Dec. (CCH) ¶ 10134 (5th Cir. 1975), reh'g denied, 515 F.2d 762 (5th Cir. 1975) and cert. granted, 424 U.S. 941, 96 S. Ct. 1408, 47 L. Ed. 2d 347 (1976) and cert. dismissed, 429 U.S. 165, 97 S. Ct. 543, 50 L. Ed. 2d 373, 12 Empl. Prac. Dec. (CCH) ¶ 11246 (1976).

Annotation: Supreme Court's views regarding Federal Constitution's First Amendment right of association as applied to elections and other political activities, 116 L. Ed. 2d 997, § 10.

association. [2] *The First Amendment prevents the government, except in the most compelling circumstances, from wielding its power to interfere with its employees' freedom to believe and associate, or to not believe and not associate; it is not merely a tenure provision that protects public employees from actual or constructive discharge.* [3] *Thus, First Amendment principles prohibit a state from compelling any individual to associate with a political party [or GOVERNMENT as a private individuall, as a condition of retaining public employment.* [4] *The First Amendment protects nonpolicymaking public employees from discrimination based on their political beliefs or affiliation.* [5] *But the First Amendment protects the right of political party members to advocate that a specific person be elected or appointed to a particular office and that a specific person be hired to perform a governmental function.* [6] *In the First Amendment context, the political patronage exception to the First Amendment protection for public employees is to be construed broadly, so as presumptively to encompass positions placed by legislature outside of "merit" civil service. Positions specifically named in relevant federal, state, county, or municipal laws to which discretionary authority with respect to enforcement of that law or carrying out of some other policy of political concern is granted, such as a secretary of state given statutory authority over various state corporation law practices, fall within the political patronage exception to First Amendment protection of public employees.* [7] *However, a supposed interest in ensuring effective government and efficient government employees, political affiliation or loyalty, or high salaries paid to the employees in question should not be counted as indicative of positions that require a particular party affiliation.* [8]"

[American Jurisprudence 2d, Constitutional law, §546: Forced and Prohibited Associations]

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[2] Rutan v. Republican Party of Illinois, 497 U.S. 62, 110 S. Ct. 2729, 111 L. Ed. 2d 52, 5 I.E.R. Cas. (BNA) 673 (1990), reh'g denied, 497 U.S. 1050, 111 S. Ct. 13, 111 L. Ed. 2d 828 (1990) and reh'g denied, 497 U.S. 1050, 111 S. Ct. 13, 111 L. Ed. 2d 828 (1990) (conditioning public employment hiring decisions on political belief and association violates the First Amendment rights of applicants in the absence of some vital governmental interest).

[3] Rutan v. Republican Party of Illinois, 497 U.S. 62, 110 S. Ct. 2729, 111 L. Ed. 2d 52, 5 I.E.R. Cas. (BNA) 673 (1990), reh'g denied, 497 U.S. 1050, 111 S. Ct. 13, 111 L. Ed. 2d 828 (1990) and reh'g denied, 497 U.S. 1050, 111 S. Ct. 13, 111 L. Ed. 2d 828 (1990).

Annotation: Public employee's right of free speech under Federal Constitution's First Amendment–Supreme Court cases, 97 L. Ed. 2d 903.

First Amendment protection for law enforcement employees subjected to discharge, transfer, or discipline because of speech, 109 A.L.R. Fed. 9.

First Amendment protection for judges or government attorneys subjected to discharge, transfer, or discipline because of speech, 108 A.L.R. Fed. 117.

First Amendment protection for public hospital or health employees subjected to discharge, transfer, or discipline because of speech, 107 A.L.R. Fed. 21.

First Amendment protection for publicly employed firefighters subjected to discharge, transfer, or discipline because of speech, 106 A.L.R. Fed. 396.

[4] Abood v. Detroit Bd. of Ed., 431 U.S. 209, 97 S. Ct. 1782, 52 L. Ed. 2d 261, 95 L.R.R.M. (BNA) 2411, 81 Lab. Cas. (CCH) ¶ 55041 (1977), reh'g denied, 433 U.S. 915, 97 S. Ct. 2989, 53 L. Ed. 2d 1102 (1977); Parrish v. Nikolits, 86 F.3d 1088 (11th Cir. 1996), cert. denied, 117 S. Ct. 1818, 137 L. Ed. 2d 1027 (U.S. 1997).

[5] LaRou v. Ridlon, 98 F.3d 659 (1st Cir. 1996); Parrish v. Nikolits, 86 F.3d 1088 (11th Cir. 1996), cert. denied, 117 S. Ct. 1818, 137 L. Ed. 2d 1027 (U.S. 1997).

[6] Vickery v. Jones, 100 F.3d 1334 (7th Cir. 1996), cert. denied, 117 S. Ct. 1553, 137 L. Ed. 2d 701 (U.S. 1997).

Responsibilities of the position of director of a municipality's office of federal programs resembled those of a policymaker, privy to confidential information, a communicator, or some other office holder whose function was such that party affiliation was an equally important requirement for continued tenure. Ortiz-Pinero v. Rivera-Arroyo, 84 F.3d 7 (1st Cir. 1996).

[7] McCloud v. Testa, 97 F.3d 1536, 12 I.E.R. Cas. (BNA) 1833, 1996 FED App. 335P (6th Cir. 1996), reh'g and suggestion for reh'g en banc denied, (Feb. 13, 1997).

Law Reviews: Stokes, When Freedoms Conflict: Party Discipline and the First Amendment. 11 JL &Pol 751, Fall, 1995.

Pave, Public Employees and the First Amendment Petition Clause: Protecting the Rights of Citizen-Employees Who File Legitimate Grievances and Lawsuits Against Their Government Employers. 90 NW U LR 304, Fall, 1995.

Singer, Conduct and Belief: Public Employees' First Amendment Rights to Free Expression and Political Affiliation. 59 U Chi LR 897, Spring, 1992.

As to political patronage jobs, see § 472.

[8] Parrish v. Nikolits, 86 F.3d 1088 (11th Cir. 1996), cert. denied, 117 S. Ct. 1818, 137 L. Ed. 2d 1027 (U.S. 1997).

It is a lawful exercise of rights established and protected by the Constitution of the United States of America. The reader will note that those rights attach to the place of my transient abode on land protected by the Constitution, and not to either my citizenship or domicile.

> *"It is locality that is determinative of the application of the Constitution, in such matters as judicial procedure, and not the status of the people who live in it."*
> *[Balzac v. Porto Rico, 258 U.S. 298 (1922)]*

I furthermore remind the recipients that they have sworn an oath as "public officials" to support and defend the Constitution, and pursuant to that oath, they are fiduciaries and trustees of the public trust and I am the beneficiary of the trust as a member of the public. They therefore have a fiduciary duty prescribed by oath to put my best interests, who is the "public", ahead of their own, and to read and obey everything that I, the Sovereign and their master as "public servants" ask them to do that is a lawful exercise of my constitutionally protected rights.

> *"As expressed otherwise, the powers delegated to a public officer are held in trust for the people and are to be exercised in behalf of the government or of all citizens who may need the intervention of the officer. [9] Furthermore, the view has been expressed that all public officers, within whatever branch and whatever level of government, and whatever be their private vocations, are trustees of the people, and accordingly labor under every disability and prohibition imposed by law upon trustees relative to the making of personal financial gain from a discharge of their trusts. [10] That is, a public officer occupies a fiduciary relationship to the political entity on whose behalf he or she serves. [11] and owes a fiduciary duty to the public. [12] It has been said that the fiduciary responsibilities of a public officer cannot be less than those of a private individual. [13] Furthermore, it has been stated that any enterprise undertaken by the public official which tends to weaken public confidence and undermine the sense of security for individual rights is against public policy. [14]"*
> *[63C Am.Jur.2d, Public Officers and Employees, §247]*

This document shall also constitute my formal request for a "Certificate of non-citizen national status" in accordance with 8 U.S.C. §1452(b). Additionally, this document constitutes my formal oath of allegiance to the United States of America.

Even though I am not and never have been a statutory "U.S. citizen" or "citizen of the United States" pursuant to 8 U.S.C. §1401, on the assumption that your records reflect this incorrect status, you will note that in accordance with 8 U.S.C. §1101(a)(22), statutory "citizens of the United States" are also "nationals". Furthermore, pursuant to *Afroyim v. Rusk*, 387 U.S. 254 (1967), the government ***may not*** remove any aspect of my citizenship or nationality ***without*** my consent and voluntary and willful participation, which I now give in the case ***only*** of any alleged status as a statutory but not constitutional "citizen of the United States" or "U.S. citizen" but not "national" status.

> ***"In our country the people are sovereign and the Government cannot sever its relationship to the people by taking away their citizenship.*** *Our Constitution governs us*

[9] State ex rel. Nagle v. Sullivan, 98 Mont 425, 40 P2d 995, 99 ALR 321; Jersey City v. Hague, 18 NJ 584, 115 A2d 8.

[10] Georgia Dep't of Human Resources v. Sistrunk, 249 Ga 543, 291 SE2d 524. A public official is held in public trust. Madlener v. Finley (1st Dist) 161 Ill App 3d 796, 113 Ill Dec 712, 515 NE2d 697, app gr 117 Ill Dec 226, 520 NE2d 387 and revd on other grounds 128 Ill 2d 147, 131 Ill Dec 145, 538 NE2d 520.

[11] Chicago Park Dist. v. Kenroy, Inc., 78 Ill 2d 555, 37 Ill Dec 291, 402 NE2d 181, appeal after remand (1st Dist) 107 Ill App 3d 222, 63 Ill Dec 134, 437 NE2d 783.

[12] United States v. Holzer (CA7 Ill) 816 F2d 304 and vacated, remanded on other grounds 484 US 807, 98 L Ed 2d 18, 108 S Ct 53, on remand (CA7 Ill) 840 F2d 1343, cert den 486 US 1035, 100 L Ed 2d 608, 108 S Ct 2022 and (criticized on other grounds by United States v. Osser (CA3 Pa) 864 F2d 1056) and (superseded by statute on other grounds as stated in United States v. Little (CA5 Miss) 889 F2d 1367) and (among conflicting authorities on other grounds noted in United States v. Boylan (CA1 Mass) 898 F2d 230, 29 Fed Rules Evid Serv 1223).

[13] Chicago ex rel. Cohen v. Keane, 64 Ill 2d 559, 2 Ill Dec 285, 357 NE2d 452, later proceeding (1st Dist) 105 Ill App 3d 298, 61 Ill Dec 172, 434 NE2d 325.

[14] Indiana State Ethics Comm'n v. Nelson (Ind App) 656 NE2d 1172, reh gr (Ind App) 659 NE2d 260, reh den (Jan 24, 1996) and transfer den (May 28, 1996).